

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 17

97TH GENERAL ASSEMBLY  
2013

0283S.10T

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## AN ACT

To repeal sections 168.021, 169.070, 169.270, 169.291, 169.301, 169.324, 169.350, 169.670, and 178.550, RSMo, and to enact in lieu thereof twelve new sections relating to education.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 168.021, 169.070, 169.270, 169.291, 169.301, 169.324, 169.350, 169.670, and 178.550, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 135.1220, 161.249, 168.021, 169.070, 169.270, 169.291, 169.301, 169.324, 169.350, 169.670, 170.340, and 178.550, to read as follows:

**135.1220. 1. This section shall be known and may be cited as "Bryce's Law".**

**2. As used in this section, the following terms mean:**

**(1) "Autism spectrum disorder", pervasive developmental disorder; Asperger syndrome; childhood disintegrative disorder; Rett syndrome; and autism;**

**(2) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;**

**(3) "Department", the department of elementary and secondary education;**

**(4) "Director", the commissioner of education;**

**(5) "Educational scholarships", grants to students to cover all or**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 part of the tuition and fees at a qualified nonpublic school, a qualified  
14 public school, or a qualified service provider, including transportation;

15 (6) "Eligible child", any child from birth to age five living in  
16 Missouri who has an individualized family services program under the  
17 First Steps program, sections 160.900 to 160.933, and whose parent or  
18 guardian has completed the complaint procedure under the Individuals  
19 with Disabilities Education Act, Part C, and has received an  
20 unsatisfactory response; or any child from birth to age five who has  
21 been evaluated for special needs as defined in this section by a person  
22 qualified to perform evaluations under the First Steps program and has  
23 been determined to have special needs but who falls below the  
24 threshold for eligibility by no less than twenty-five percent;

25 (7) "Eligible student", any elementary or secondary student who  
26 attended public school in Missouri the preceding semester, or who will  
27 be attending school in Missouri for the first time, who has an  
28 individualized education program based on a special needs condition  
29 or who has a medical diagnosis by a qualified health professional of a  
30 special needs condition;

31 (8) "Parent", includes a guardian, custodian, or other person with  
32 authority to act on behalf of the child;

33 (9) "Program", the program established in this section;

34 (10) "Qualified health professional", a person licensed under  
35 chapter 334 or 337 who possesses credentials as described in rules  
36 promulgated jointly by the department of elementary and secondary  
37 education and the department of mental health to make a diagnosis of  
38 a student's special needs for this program;

39 (11) "Qualified school", either an accredited public elementary or  
40 secondary school in a district that is accredited without provision  
41 outside of the district in which a student resides or an accredited  
42 nonpublic elementary or secondary school in Missouri that complies  
43 with all of the requirements of the program and complies with all state  
44 laws that apply to nonpublic schools regarding criminal background  
45 checks for employees and excludes from employment any person not  
46 permitted by state law to work in a nonpublic school;

47 (12) "Qualified service provider", a person or agency authorized  
48 by the department to provide services under the First Steps program,  
49 sections 160.900 to 160.933;

50           (13) "Scholarship granting organization", a charitable  
51 organization that:

52           (a) Is exempt from federal income tax;

53           (b) Complies with the requirements of this program;

54           (c) Provides education scholarships to students attending  
55 qualified schools of their parents' choice or to children receiving  
56 services from qualified service providers; and

57           (d) Does not accept contributions on behalf of any eligible  
58 student or eligible child from any donor with any obligation to provide  
59 any support for the eligible student or eligible child;

60           (14) "Special needs", an autism spectrum disorder, Down  
61 syndrome, Angelman syndrome, or cerebral palsy.

62           3. The department of elementary and secondary education shall  
63 develop a master list of resources available to the parents of children  
64 with an autism spectrum disorder and shall maintain a web page for  
65 the information. The department shall also actively seek financial  
66 resources in the form of grants and donations that may be devoted to  
67 scholarship funds or to clinical trials for behavioral interventions that  
68 may be undertaken by qualified service providers. The department  
69 may contract out or delegate these duties to a nonprofit  
70 organization. Priority in referral for funding shall be given to children  
71 who have not yet entered elementary school.

72           4. The director shall determine, at least annually, which  
73 organizations in this state may be classified as scholarship granting  
74 organizations. The director may require of an organization seeking to  
75 be classified as a scholarship granting organization whatever  
76 information which is reasonably necessary to make such a  
77 determination. The director shall classify an organization as a  
78 scholarship granting organization if such organization meets the  
79 definition set forth in this section.

80           5. The director shall establish a procedure by which a donor can  
81 determine if an organization has been classified as a scholarship  
82 granting organization. Scholarship granting organizations shall be  
83 permitted to decline a contribution from a donor.

84           6. Each scholarship granting organization shall provide  
85 information to the director concerning the identity of each donor  
86 making a contribution to the scholarship granting organization.

87           7. (1) The director shall annually make a determination on the  
88 number of students in Missouri with an individualized education  
89 program based upon special needs as defined in this section. The  
90 director shall use ten percent of this number to determine the  
91 maximum number of students to receive scholarships from a  
92 scholarship granting organization in that year for students with special  
93 needs who have at the time of application an individualized education  
94 program, plus a number calculated by the director by applying the  
95 state's latest available autism, cerebral palsy, Down syndrome, and  
96 Angelman syndrome incidence rates to the state's population of  
97 children from age five to nineteen who are not enrolled in public  
98 schools and taking ten percent of that number. The total of these two  
99 calculations shall constitute the maximum number of scholarships  
100 available to students.

101           (2) The director shall also annually make a determination on the  
102 number of children in Missouri whose parent or guardian has enrolled  
103 the child in First Steps, received an individualized family services  
104 program based on special needs, and filed a complaint through the  
105 Individuals with Disabilities Education Act, Part C, and received a  
106 negative response. In addition to this number, the director shall apply  
107 the latest available autism, cerebral palsy, Down syndrome, and  
108 Angelman syndrome incidence rates to the latest available census  
109 information for children from birth to age five and determine ten  
110 percent of that number for the maximum number of scholarships for  
111 children.

112           (3) The director shall publicly announce the number of each  
113 category of scholarship opportunities available each year. Once a  
114 scholarship granting organization has decided to provide a student or  
115 child with a scholarship, it shall promptly notify the director. The  
116 director shall keep a running tally of the number of scholarships  
117 granted in the order in which they were reported. Once the tally  
118 reaches the annual limit of scholarships for eligible students or  
119 children, the director shall notify all of the participating scholarship  
120 granting organizations that they shall not issue any more scholarships  
121 and any more receipts for contributions. If the scholarship granting  
122 organizations have not expended all of their available scholarship  
123 funds in that year at the time when the limit is reached, the available

124 .scholarship funds may be carried over into the next year. These  
125 unexpended funds shall not be counted as part of the requirement in  
126 subdivision (3) of subsection 10 of this section for that year. Any  
127 receipt for a scholarship contribution issued by a scholarship granting  
128 organization before the director has publicly announced the student or  
129 child limit has been reached shall be valid.

130 8. Each scholarship granting organization participating in the  
131 program shall:

132 (1) Notify the department of its intent to provide educational  
133 scholarships to students attending qualified schools or children  
134 receiving services from qualified service providers;

135 (2) Provide a department-approved receipt to donors for  
136 contributions made to the organization;

137 (3) Ensure that at least ninety percent of its revenue from  
138 donations is spent on educational scholarships, and that all revenue  
139 from interest or investments is spent on educational scholarships;

140 (4) Ensure that the scholarships provided do not exceed an  
141 average of twenty thousand dollars per eligible child or fifty thousand  
142 dollars per eligible student;

143 (5) Inform the parent or guardian of the student or child  
144 applying for a scholarship that accepting the scholarship is tantamount  
145 to a "parentally placed private school student" pursuant to 34 CFR  
146 300.130 and, thus, neither the department nor any Missouri public  
147 school is responsible to provide the student with a free appropriate  
148 public education pursuant to the Individuals with Disabilities  
149 Education Act or Section 504 of the Rehabilitation Act of 1973;

150 (6) Distribute periodic scholarship payments as checks made out  
151 to a student's or child's parent and mailed to the qualified school where  
152 the student is enrolled or qualified service provider used by the  
153 child. The parent or guardian shall endorse the check before it can be  
154 deposited;

155 (7) Cooperate with the department to conduct criminal  
156 background checks on all of its employees and board members and  
157 exclude from employment or governance any individual who might  
158 reasonably pose a risk to the appropriate use of contributed funds;

159 (8) Ensure that scholarships are portable during the school year  
160 and can be used at any qualified school that accepts the eligible

161 student or at a different qualified service provider for an eligible child  
162 according to a parent's wishes. If a student moves to a new qualified  
163 school during a school year or to a different qualified service provider  
164 for an eligible child, the scholarship amount may be prorated;

165 (9) Demonstrate its financial accountability by:

166 (a) Submitting a financial information report for the  
167 organization that complies with uniform financial accounting standards  
168 established by the department and conducted by a certified public  
169 accountant; and

170 (b) Having the auditor certify that the report is free of material  
171 misstatements;

172 (10) Demonstrate its financial viability, if the organization is to  
173 receive donations of fifty thousand dollars or more during the school  
174 year, by filing with the department before the start of the school year:

175 (a) A surety bond payable to the state in an amount equal to the  
176 aggregate amount of contributions expected to be received during the  
177 school year; or

178 (b) Financial information that demonstrates the financial  
179 viability of the scholarship granting organization.

180 9. Each scholarship granting organization shall ensure that each  
181 participating school or service provider that accepts its scholarship  
182 students or children shall:

183 (1) Comply with all health and safety laws or codes that apply to  
184 nonpublic schools or service providers;

185 (2) Hold a valid occupancy permit if required by its municipality;

186 (3) Certify that it will comply with 42 U.S.C. Section 1981, as  
187 amended;

188 (4) Provide academic accountability to parents of the students  
189 or children in the program by regularly reporting to the parent on the  
190 student's or child's progress;

191 (5) Certify that in providing any educational services or behavior  
192 strategies to a scholarship recipient with a diagnosis of or an  
193 individualized education program based upon autism spectrum  
194 disorder it will:

195 (a) Adhere to the best practices recommendations of the Missouri  
196 Autism Guidelines Initiative or document why it is varying from the  
197 guidelines;

198           **(b) Not use any evidence-based interventions that have been**  
199 **found ineffective by the commission on Medicare as described in the**  
200 **Missouri Autism Guidelines Initiative Guide to Evidence-based**  
201 **Interventions; and**

202           **(c) Provide documentation in the student's or child's record of**  
203 **the rationale for the use of any intervention that is categorized as**  
204 **unestablished, insufficient evidence, or level 3 by the Missouri Autism**  
205 **Guidelines Initiative Guide to Evidence-based Interventions; and**

206           **(6) Certify that in providing any educational services or behavior**  
207 **strategies to a scholarship recipient with a diagnosis of, or an**  
208 **individualized family services program based upon Down syndrome,**  
209 **Angelman syndrome, or cerebral palsy, it will use student, teacher,**  
210 **teaching, and school influences that rank in the zone of desired effects**  
211 **in the meta-analysis of John Hattie, or equivalent analyses as**  
212 **determined by the department, or document why it is using a method**  
213 **that has not been determined by analysis to rank in the zone of desired**  
214 **effects.**

215           **10. Scholarship granting organizations shall not provide**  
216 **educational scholarships for students to attend any school or children**  
217 **to receive services from any qualified service provider with paid staff**  
218 **or board members who are relatives within the first degree of**  
219 **consanguinity or affinity.**

220           **11. A scholarship granting organization shall publicly report to**  
221 **the department, by June first of each year, the following information**  
222 **prepared by a certified public accountant regarding its grants in the**  
223 **previous calendar year:**

224           **(1) The name and address of the scholarship granting**  
225 **organization;**

226           **(2) The total number and total dollar amount of contributions**  
227 **received during the previous calendar year; and**

228           **(3) The total number and total dollar amount of educational**  
229 **scholarships awarded during the previous calendar year, including the**  
230 **category of each scholarship, and the total number and total dollar**  
231 **amount of educational scholarships awarded during the previous year**  
232 **to students eligible for free and reduced lunch.**

233           **12. The department shall adopt rules and regulations consistent**  
234 **with this section as necessary to implement the program.**

235           13. The department shall provide a standardized format for a  
236 receipt to be issued by a scholarship granting organization to a donor  
237 to indicate the value of a contribution received.

238           14. The department shall provide a standardized format for  
239 scholarship granting organizations to report the information in this  
240 section.

241           15. The department may conduct either a financial review or  
242 audit of a scholarship granting organization.

243           16. If the department believes that a scholarship granting  
244 organization has intentionally and substantially failed to comply with  
245 the requirements of this section, the department may hold a hearing  
246 before the director or the director's designee to bar a scholarship  
247 granting organization from participating in the program. The director  
248 or the director's designee shall issue a decision within thirty days. A  
249 scholarship granting organization may appeal the director's decision  
250 to the administrative hearing commission for a hearing in accordance  
251 with the provisions of chapter 621.

252           17. If the scholarship granting organization is barred from  
253 participating in the program, the department shall notify affected  
254 scholarship students or children and their parents of this decision  
255 within fifteen days.

256           18. Any rule or portion of a rule, as that term is defined in  
257 section 536.010, that is created under the authority delegated in this  
258 section shall become effective only if it complies with and is subject to  
259 all of the provisions of chapter 536 and, if applicable, section  
260 536.028. This section and chapter 536 are nonseverable and if any of  
261 the powers vested with the general assembly pursuant to chapter 536  
262 to review, to delay the effective date, or to disapprove and annul a rule  
263 are subsequently held unconstitutional, then the grant of rulemaking  
264 authority and any rule proposed or adopted after August 28, 2013, shall  
265 be invalid and void.

266           19. The department shall conduct a study of the program with  
267 funds other than state funds. The department may contract with one  
268 or more qualified researchers who have previous experience evaluating  
269 similar programs. The department may accept grants to assist in  
270 funding this study.

271           20. The study shall assess:



272           (1) The level of participating students' and children's satisfaction  
273 with the program in a manner suitable to the student or child;

274           (2) The level of parental satisfaction with the program;

275           (3) The percentage of participating students who were bullied or  
276 harassed because of their special needs status at their resident school  
277 district compared to the percentage so bullied or harassed at their  
278 qualified school;

279           (4) The percentage of participating students who exhibited  
280 behavioral problems at their resident school district compared to the  
281 percentage exhibiting behavioral problems at their qualified school;

282           (5) The class size experienced by participating students at their  
283 resident school district and at their qualified school; and

284           (6) The fiscal impact to the state and resident school districts of  
285 the program.

286           21. The study shall be completed using appropriate analytical  
287 and behavioral sciences methodologies to ensure public confidence in  
288 the study.

289           22. The department shall provide the general assembly with a  
290 final copy of the evaluation of the program by December 31, 2016.

291           23. The public and nonpublic participating schools and service  
292 providers from which students transfer to participate in the program  
293 shall cooperate with the research effort by providing student or child  
294 assessment instrument scores and any other data necessary to complete  
295 this study.

296           24. The general assembly may require periodic updates on the  
297 status of the study from the department. The individuals completing  
298 the study shall make their data and methodology available for public  
299 review while complying with the requirements of the Family  
300 Educational Rights and Privacy Act, as amended.

301           25. Under section 23.253 of the Missouri sunset act:

302           (1) The provisions of the new program authorized under this  
303 section shall sunset automatically on December 31, 2019, unless  
304 reauthorized by an act of the general assembly; and

305           (2) If such program is reauthorized, the program authorized  
306 under this section shall sunset automatically on December 31, 2031; and

307           (3) This section shall terminate on December thirty-first of the  
308 calendar year immediately following the calendar year in which the

309 program authorized under this section is sunset.

161.249. 1. There is hereby created the "Advisory Council on the  
2 Education of Gifted and Talented Children" which shall consist of seven  
3 members appointed by the commissioner of education. Members shall  
4 serve a term of four years, except for the initial appointments, which  
5 shall be for the following lengths:

6 (1) One member shall be appointed for a term of one year;

7 (2) Two members shall be appointed for a term of two years;

8 (3) Two members shall be appointed for a term of three years;

9 (4) Two members shall be appointed for a term of four years.

10 2. Upon the expiration of the term of a member, that member  
11 shall continue to serve until a replacement is appointed. The council  
12 shall organize with a chairperson selected by the commissioner of  
13 education. Members of the council shall serve without compensation  
14 and shall not be reimbursed for travel to and from meetings.

15 3. The commissioner of education shall consider  
16 recommendations for membership on the council from organizations of  
17 educators and parents of gifted and talented children and other groups  
18 with an interest in the education of gifted and talented children. The  
19 members appointed shall be residents of the state of Missouri and  
20 selected on the basis of their knowledge of, or experience in, programs  
21 and problems of the education of gifted and talented children.

22 4. The commissioner of education shall seek the advice of the  
23 council regarding all rules and policies to be adopted by the state  
24 board of education relating to the education of gifted and talented  
25 children. A staff person appointed by the state board of education shall  
26 serve as the state board's liaison to the council. The state board of  
27 education shall provide necessary clerical support and assistance in  
28 order to facilitate meetings of the council.

168.021. 1. Certificates of license to teach in the public schools of the  
2 state shall be granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it:

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state  
7 board with advice from the advisory council established by section 168.015 to any  
8 individual who presents to the state board a valid doctoral degree from an

9 accredited institution of higher education accredited by a regional accrediting  
10 association such as North Central Association. Such certificate shall be limited  
11 to the major area of postgraduate study of the holder, shall be issued only after  
12 successful completion of the examination required for graduation pursuant to  
13 rules adopted by the state board of education, and shall be restricted to those  
14 certificates established pursuant to subdivision (1) of subsection 3 of this section;

15 (3) By the state board, which shall issue the professional certificate  
16 classification in both the general and specialized areas most closely aligned with  
17 the current areas of certification approved by the state board, commensurate with  
18 the years of teaching experience of the applicant, and based upon the following  
19 criteria:

20 (a) Recommendation of a state-approved baccalaureate-level teacher  
21 preparation program;

22 (b) Successful attainment of the Missouri qualifying score on the exit  
23 assessment for teachers or administrators designated by the state board of  
24 education. Applicants who have not successfully achieved a qualifying score on  
25 the designated examinations will be issued a two-year nonrenewable provisional  
26 certificate; and

27 (c) Upon completion of a background check as prescribed in section  
28 168.133 and possession of a valid teaching certificate in the state from which the  
29 applicant's teacher preparation program was completed;

30 (4) By the state board, under rules prescribed by it, on the basis of a  
31 relevant bachelor's degree, or higher degree, and a passing score for the  
32 designated exit examination, for individuals whose academic degree and  
33 professional experience are suitable to provide a basis for instruction solely in the  
34 subject matter of banking or financial responsibility, at the discretion of the state  
35 board. Such certificate shall be limited to the major area of study of the holder  
36 and shall be restricted to those certificates established under subdivision (1) of  
37 subsection 3 of this section. Holders of certificates granted under this subdivision  
38 shall be exempt from the teacher tenure act under sections 168.102 to 168.130  
39 and each school district shall have the decision-making authority on whether to  
40 hire the holders of such certificates; or

41 (5) By the state board, under rules and regulations prescribed by it, on  
42 the basis of certification by the American Board for Certification of Teacher  
43 Excellence (ABCTE) and verification of ability to work with children as  
44 demonstrated by sixty contact hours in any one of the following areas as validated

45 by the school principal: sixty contact hours in the classroom, of which at least  
46 forty-five must be teaching; sixty contact hours as a substitute teacher, with at  
47 least thirty consecutive hours in the same classroom; sixty contact hours of  
48 teaching in a private school; or sixty contact hours of teaching as a  
49 paraprofessional, for an initial four-year ABCTE certificate of license to teach,  
50 except that such certificate shall not be granted for the areas of early childhood  
51 education, elementary education, or special education. Upon the completion of  
52 the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an  
53 applicant shall be eligible to apply for a career continuous professional certificate  
54 under subdivision (2) of subsection 3 of this section:

55 (a) Completion of thirty contact hours of professional development within  
56 four years, which may include hours spent in class in an appropriate college  
57 curriculum;

58 (b) Validated completion of two years of the mentoring program of the  
59 American Board for Certification of Teacher Excellence or a district mentoring  
60 program approved by the state board of education;

61 (c) Attainment of a successful performance-based teacher evaluation; and

62 (d) Participate in a beginning teacher assistance program.

63 2. All valid teaching certificates issued pursuant to law or state board  
64 policies and regulations prior to September 1, 1988, shall be exempt from the  
65 professional development requirements of this section and shall continue in effect  
66 until they expire, are revoked or suspended, as provided by law. When such  
67 certificates are required to be renewed, the state board or its designee shall grant  
68 to each holder of such a certificate the certificate most nearly equivalent to the  
69 one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or  
70 continuous professional certificate shall, upon expiration of his or her current  
71 certificate, be issued the appropriate level of certificate based upon the  
72 classification system established pursuant to subsection 3 of this section.

73 3. Certificates of license to teach in the public schools of the state shall  
74 be based upon minimum requirements prescribed by the state board of education  
75 which shall include completion of a background check as prescribed in section  
76 168.133. The state board shall provide for the following levels of professional  
77 certification: an initial professional certificate and a career continuous  
78 professional certificate.

79 (1) The initial professional certificate shall be issued upon completion of  
80 requirements established by the state board of education and shall be valid based

81 upon verification of actual teaching within a specified time period established by  
82 the state board of education. The state board shall require holders of the four-  
83 year initial professional certificate to:

84 (a) Participate in a mentoring program approved and provided by the  
85 district for a minimum of two years;

86 (b) Complete thirty contact hours of professional development, which may  
87 include hours spent in class in an appropriate college curriculum, or for holders  
88 of a certificate under subdivision (4) of subsection 1 of this section, an amount of  
89 professional development in proportion to the certificate holder's hours in the  
90 classroom, if the certificate holder is employed less than full time; and

91 (c) Participate in a beginning teacher assistance program;

92 (2) (a) The career continuous professional certificate shall be issued upon  
93 verification of completion of four years of teaching under the initial professional  
94 certificate and upon verification of the completion of the requirements articulated  
95 in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs  
96 (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

97 (b) The career continuous professional certificate shall be continuous  
98 based upon verification of actual employment in an educational position as  
99 provided for in state board guidelines and completion of fifteen contact hours of  
100 professional development per year which may include hours spent in class in an  
101 appropriate college curriculum. Should the possessor of a valid career continuous  
102 professional certificate fail, in any given year, to meet the fifteen-hour  
103 professional development requirement, the possessor may, within two years, make  
104 up the missing hours. In order to make up for missing hours, the possessor shall  
105 first complete the fifteen-hour requirement for the current year and then may  
106 count hours in excess of the current year requirement as make-up hours. Should  
107 the possessor fail to make up the missing hours within two years, the certificate  
108 shall become inactive. In order to reactivate the certificate, the possessor shall  
109 complete twenty-four contact hours of professional development which may  
110 include hours spent in the classroom in an appropriate college curriculum within  
111 the six months prior to or after reactivating his or her certificate. The  
112 requirements of this paragraph shall be monitored and verified by the local school  
113 district which employs the holder of the career continuous professional certificate.

114 (c) A holder of a career continuous professional certificate shall be exempt  
115 from the professional development contact hour requirements of paragraph (b) of  
116 this subdivision if such teacher has a local professional development plan in place

117 within such teacher's school district and meets two of the three following criteria:  
118       a. Has ten years of teaching experience as defined by the state board of  
119 education;  
120       b. Possesses a master's degree; or  
121       c. Obtains a rigorous national certification as approved by the state board  
122 of education.

123       4. Policies and procedures shall be established by which a teacher who  
124 was not retained due to a reduction in force may retain the current level of  
125 certification. There shall also be established policies and procedures allowing a  
126 teacher who has not been employed in an educational position for three years or  
127 more to reactivate his or her last level of certification by completing twenty-four  
128 contact hours of professional development which may include hours spent in the  
129 classroom in an appropriate college curriculum within the six months prior to or  
130 after reactivating his or her certificate.

131       5. The state board shall, upon completion of a background check as  
132 prescribed in section 168.133, issue a professional certificate classification in the  
133 areas most closely aligned with an applicant's current areas of certification,  
134 commensurate with the years of teaching experience of the applicant, to any  
135 person who is hired to teach in a public school in this state and who possesses a  
136 valid teaching certificate from another state or certification under subdivision (4)  
137 of subsection 1 of this section, provided that the certificate holder shall annually  
138 complete the state board's requirements for such level of certification, and shall  
139 establish policies by which residents of states other than the state of Missouri  
140 may be assessed a fee for a certificate license to teach in the public schools of  
141 Missouri. Such fee shall be in an amount sufficient to recover any or all costs  
142 associated with the issuing of a certificate of license to teach. The board shall  
143 promulgate rules to authorize the issuance of a provisional certificate of license,  
144 which shall allow the holder to assume classroom duties pending the completion  
145 of a criminal background check under section 168.133, for any applicant who:

146       (1) Is the spouse of a member of the Armed Forces stationed in Missouri;  
147       (2) Relocated from another state within one year of the date of  
148 application;  
149       (3) Underwent a criminal background check in order to be issued a  
150 teaching certificate of license from another state; and  
151       (4) Otherwise qualifies under this section.

152       6. The state board may assess to holders of an initial professional

153 certificate a fee, to be deposited into the excellence in education revolving fund  
154 established pursuant to section 160.268, for the issuance of the career continuous  
155 professional certificate. However, such fee shall not exceed the combined costs  
156 of issuance and any criminal background check required as a condition of  
157 issuance. Applicants for the initial ABCTE certificate shall be responsible for any  
158 fees associated with the program leading to the issuance of the certificate, but  
159 nothing in this section shall prohibit a district from developing a policy that  
160 permits fee reimbursement.

161 7. Any member of the public school retirement system of Missouri who  
162 entered covered employment with ten or more years of educational experience in  
163 another state or states and held a certificate issued by another state and  
164 subsequently worked in a school district covered by the public school retirement  
165 system of Missouri for ten or more years who later became certificated in  
166 Missouri shall have that certificate dated back to his or her original date of  
167 employment in a Missouri public school.

168 [8. The provisions of subdivision (5) of subsection 1 of this section, as well  
169 as any other provision of this section relating to the American Board for  
170 Certification of Teacher Excellence, shall terminate on August 28, 2014.]

169.070. 1. The retirement allowance of a member whose age at  
2 retirement is sixty years or more and whose creditable service is five years or  
3 more, or whose sum of age and creditable service equals eighty years or more, or  
4 who has attained age fifty-five and whose creditable service is twenty-five years  
5 or more or whose creditable service is thirty years or more regardless of age, may  
6 be the sum of the following items, not to exceed one hundred percent of the  
7 member's final average salary:

8 (1) Two and five-tenths percent of the member's final average salary for  
9 each year of membership service;

10 (2) Six-tenths of the amount payable for a year of membership service for  
11 each year of prior service not exceeding thirty years.

12 In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2)  
13 of this subsection, a member may elect to receive a retirement allowance of:

14 (3) [Between July 1, 1998, and July 1, 2013,] Two and four-tenths percent  
15 of the member's final average salary for each year of membership service, if the  
16 member's creditable service is twenty-nine years or more but less than thirty  
17 years, and the member has not attained age fifty-five;

18 (4) [Between July 1, 1998, and July 1, 2013,] Two and thirty-five-

19 hundredths percent of the member's final average salary for each year of  
20 membership service, if the member's creditable service is twenty-eight years or  
21 more but less than twenty-nine years, and the member has not attained age fifty-  
22 five;

23 (5) [Between July 1, 1998, and July 1, 2013,] Two and three-tenths  
24 percent of the member's final average salary for each year of membership service,  
25 if the member's creditable service is twenty-seven years or more but less than  
26 twenty-eight years, and the member has not attained age fifty-five;

27 (6) [Between July 1, 1998, and July 1, 2013,] Two and twenty-five-  
28 hundredths percent of the member's final average salary for each year of  
29 membership service, if the member's creditable service is twenty-six years or  
30 more but less than twenty-seven years, and the member has not attained age  
31 fifty-five;

32 (7) [Between July 1, 1998, and July 1, 2013,] Two and two-tenths percent  
33 of the member's final average salary for each year of membership service, if the  
34 member's creditable service is twenty-five years or more but less than twenty-six  
35 years, and the member has not attained age fifty-five;

36 (8) Between July 1, 2001, and July 1, [2013] **2014**, Two and fifty-five  
37 hundredths percent of the member's final average salary for each year of  
38 membership service, if the member's creditable service is thirty-one years or more  
39 regardless of age.

40 2. In lieu of the retirement allowance provided in subsection 1 of this  
41 section, a member whose age is sixty years or more on September 28, 1975, may  
42 elect to have the member's retirement allowance calculated as a sum of the  
43 following items:

44 (1) Sixty cents plus one and five-tenths percent of the member's final  
45 average salary for each year of membership service;

46 (2) Six-tenths of the amount payable for a year of membership service for  
47 each year of prior service not exceeding thirty years;

48 (3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of  
49 this subsection for each month of attained age in excess of sixty years but not in  
50 excess of age sixty-five.

51 3. (1) In lieu of the retirement allowance provided either in subsection 1  
52 or 2 of this section, collectively called "option 1", a member whose creditable  
53 service is twenty-five years or more or who has attained the age of fifty-five with  
54 five or more years of creditable service may elect in the member's application for



55 retirement to receive the actuarial equivalent of the member's retirement  
56 allowance in reduced monthly payments for life during retirement with the  
57 provision that:

58       Option 2. Upon the member's death the reduced retirement allowance  
59 shall be continued throughout the life of and paid to such person as has an  
60 insurable interest in the life of the member as the member shall have nominated  
61 in the member's election of the option, and provided further that if the person so  
62 nominated dies before the retired member, the retirement allowance will be  
63 increased to the amount the retired member would be receiving had the retired  
64 member elected option 1; OR

65       Option 3. Upon the death of the member three-fourths of the reduced  
66 retirement allowance shall be continued throughout the life of and paid to such  
67 person as has an insurable interest in the life of the member and as the member  
68 shall have nominated in an election of the option, and provided further that if the  
69 person so nominated dies before the retired member, the retirement allowance  
70 will be increased to the amount the retired member would be receiving had the  
71 member elected option 1; OR

72       Option 4. Upon the death of the member one-half of the reduced  
73 retirement allowance shall be continued throughout the life of, and paid to, such  
74 person as has an insurable interest in the life of the member and as the member  
75 shall have nominated in an election of the option, and provided further that if the  
76 person so nominated dies before the retired member, the retirement allowance  
77 shall be increased to the amount the retired member would be receiving had the  
78 member elected option 1; OR

79       Option 5. Upon the death of the member prior to the member having  
80 received one hundred twenty monthly payments of the member's reduced  
81 allowance, the remainder of the one hundred twenty monthly payments of the  
82 reduced allowance shall be paid to such beneficiary as the member shall have  
83 nominated in the member's election of the option or in a subsequent nomination.  
84 If there is no beneficiary so nominated who survives the member for the  
85 remainder of the one hundred twenty monthly payments, the total of the  
86 remainder of such one hundred twenty monthly payments shall be paid to the  
87 surviving spouse, surviving children in equal shares, surviving parents in equal  
88 shares, or estate of the last person, in that order of precedence, to receive a  
89 monthly allowance in a lump sum payment. If the total of the one hundred  
90 twenty payments paid to the retired individual and the beneficiary of the retired

91 individual is less than the total of the member's accumulated contributions, the  
92 difference shall be paid to the beneficiary in a lump sum; OR

93       Option 6. Upon the death of the member prior to the member having  
94 received sixty monthly payments of the member's reduced allowance, the  
95 remainder of the sixty monthly payments of the reduced allowance shall be paid  
96 to such beneficiary as the member shall have nominated in the member's election  
97 of the option or in a subsequent nomination. If there is no beneficiary so  
98 nominated who survives the member for the remainder of the sixty monthly  
99 payments, the total of the remainder of such sixty monthly payments shall be  
100 paid to the surviving spouse, surviving children in equal shares, surviving  
101 parents in equal shares, or estate of the last person, in that order of precedence,  
102 to receive a monthly allowance in a lump sum payment. If the total of the sixty  
103 payments paid to the retired individual and the beneficiary of the retired  
104 individual is less than the total of the member's accumulated contributions, the  
105 difference shall be paid to the beneficiary in a lump sum.

106       (2) The election of an option may be made only in the application for  
107 retirement and such application must be filed prior to the date on which the  
108 retirement of the member is to be effective. If either the member or the person  
109 nominated to receive the survivorship payments dies before the effective date of  
110 retirement, the option shall not be effective, provided that:

111       (a) If the member or a person retired on disability retirement dies after  
112 acquiring twenty-five or more years of creditable service or after attaining the age  
113 of fifty-five years and acquiring five or more years of creditable service and before  
114 retirement, except retirement with disability benefits, and the person named by  
115 the member as the member's beneficiary has an insurable interest in the life of  
116 the deceased member, the designated beneficiary may elect to receive either  
117 survivorship benefits under option 2 or a payment of the accumulated  
118 contributions of the member. If survivorship benefits under option 2 are elected  
119 and the member at the time of death would have been eligible to receive an  
120 actuarial equivalent of the member's retirement allowance, the designated  
121 beneficiary may further elect to defer the option 2 payments until the date the  
122 member would have been eligible to receive the retirement allowance provided in  
123 subsection 1 or 2 of this section;

124       (b) If the member or a person retired on disability retirement dies before  
125 attaining age fifty-five but after acquiring five but fewer than twenty-five years  
126 of creditable service, and the person named as the member's beneficiary has an

127 insurable interest in the life of the deceased member, the designated beneficiary  
128 may elect to receive either a payment of the member's accumulated contributions,  
129 or survivorship benefits under option 2 to begin on the date the member would  
130 first have been eligible to receive an actuarial equivalent of the member's  
131 retirement allowance, or to begin on the date the member would first have been  
132 eligible to receive the retirement allowance provided in subsection 1 or 2 of this  
133 section.

134         4. If the total of the retirement or disability allowance paid to an  
135 individual before the death of the individual is less than the accumulated  
136 contributions at the time of retirement, the difference shall be paid to the  
137 beneficiary of the individual, or to the surviving spouse, surviving children in  
138 equal shares, surviving parents in equal shares, or estate of the individual in that  
139 order of precedence. If an optional benefit as provided in option 2, 3 or 4 in  
140 subsection 3 of this section had been elected, and the beneficiary dies after  
141 receiving the optional benefit, and if the total retirement allowance paid to the  
142 retired individual and the beneficiary of the retired individual is less than the  
143 total of the contributions, the difference shall be paid to the surviving spouse,  
144 surviving children in equal shares, surviving parents in equal shares, or estate  
145 of the beneficiary, in that order of precedence, unless the retired individual  
146 designates a different recipient with the board at or after retirement.

147         5. If a member dies and his or her financial institution is unable to accept  
148 the final payment or payments due to the member, the final payment or payments  
149 shall be paid to the beneficiary of the member or, if there is no beneficiary, to the  
150 surviving spouse, surviving children in equal shares, surviving parents in equal  
151 shares, or estate of the member, in that order of precedence, unless otherwise  
152 stated. If the beneficiary of a deceased member dies and his or her financial  
153 institution is unable to accept the final payment or payments, the final payment  
154 or payments shall be paid to the surviving spouse, surviving children in equal  
155 shares, surviving parents in equal shares, or estate of the member, in that order  
156 of precedence, unless otherwise stated.

157         6. If a member dies before receiving a retirement allowance, the member's  
158 accumulated contributions at the time of the death of the member shall be paid  
159 to the beneficiary of the member or, if there is no beneficiary, to the surviving  
160 spouse, surviving children in equal shares, surviving parents in equal shares, or  
161 to the estate of the member, in that order of precedence; except that, no such  
162 payment shall be made if the beneficiary elects option 2 in subsection 3 of this

163 section, unless the beneficiary dies before having received benefits pursuant to  
164 that subsection equal to the accumulated contributions of the member, in which  
165 case the amount of accumulated contributions in excess of the total benefits paid  
166 pursuant to that subsection shall be paid to the surviving spouse, surviving  
167 children in equal shares, surviving parents in equal shares, or estate of the  
168 beneficiary, in that order of precedence.

169 7. If a member ceases to be a public school employee as herein defined  
170 and certifies to the board of trustees that such cessation is permanent, or if the  
171 membership of the person is otherwise terminated, the member shall be paid the  
172 member's accumulated contributions with interest.

173 8. Notwithstanding any provisions of sections 169.010 to 169.141 to the  
174 contrary, if a member ceases to be a public school employee after acquiring five  
175 or more years of membership service in Missouri, the member may at the option  
176 of the member leave the member's contributions with the retirement system and  
177 claim a retirement allowance any time after reaching the minimum age for  
178 voluntary retirement. When the member's claim is presented to the board, the  
179 member shall be granted an allowance as provided in sections 169.010 to 169.141  
180 on the basis of the member's age, years of service, and the provisions of the law  
181 in effect at the time the member requests the member's retirement to become  
182 effective.

183 9. The retirement allowance of a member retired because of disability  
184 shall be nine-tenths of the allowance to which the member's creditable service  
185 would entitle the member if the member's age were sixty, or fifty percent of one-  
186 twelfth of the annual salary rate used in determining the member's contributions  
187 during the last school year for which the member received a year of creditable  
188 service immediately prior to the member's disability, whichever is greater, except  
189 that no such allowance shall exceed the retirement allowance to which the  
190 member would have been entitled upon retirement at age sixty if the member had  
191 continued to teach from the date of disability until age sixty at the same salary  
192 rate.

193 10. Notwithstanding any provisions of sections 169.010 to 169.141 to the  
194 contrary, from October 13, 1961, the contribution rate pursuant to sections  
195 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member  
196 of the system for whom federal Old Age and Survivors Insurance tax is paid from  
197 state or local tax funds on account of the member's employment entitling the  
198 person to membership in the system. The monetary benefits for a member who

199 elected not to exercise an option to pay into the system a retroactive contribution  
200 of four percent on that part of the member's annual salary rate which was in  
201 excess of four thousand eight hundred dollars but not in excess of eight thousand  
202 four hundred dollars for each year of employment in a position covered by this  
203 system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of  
204 this section as it appears in RSMo, 1969, shall be the sum of:

205 (1) For years of service prior to July 1, 1946, six-tenths of the full amount  
206 payable for years of membership service;

207 (2) For years of membership service after July 1, 1946, in which the full  
208 contribution rate was paid, full benefits under the formula in effect at the time  
209 of the member's retirement;

210 (3) For years of membership service after July 1, 1957, and prior to July  
211 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except  
212 that if the member has at least thirty years of creditable service at retirement the  
213 member shall receive the benefit payable pursuant to that section as though the  
214 member's age were sixty-five at retirement;

215 (4) For years of membership service after July 1, 1961, in which the two-  
216 thirds contribution rate was paid, two-thirds of the benefits under the formula in  
217 effect at the time of the member's retirement.

218 11. The monetary benefits for each other member for whom federal Old  
219 Age and Survivors Insurance tax is or was paid at any time from state or local  
220 funds on account of the member's employment entitling the member to  
221 membership in the system shall be the sum of:

222 (1) For years of service prior to July 1, 1946, six-tenths of the full amount  
223 payable for years of membership service;

224 (2) For years of membership service after July 1, 1946, in which the full  
225 contribution rate was paid, full benefits under the formula in effect at the time  
226 of the member's retirement;

227 (3) For years of membership service after July 1, 1957, in which the two-  
228 thirds contribution rate was paid, two-thirds of the benefits under the formula in  
229 effect at the time of the member's retirement.

230 12. Any retired member of the system who was retired prior to September  
231 1, 1972, or beneficiary receiving payments under option 1 or option 2 of  
232 subsection 3 of this section, as such option existed prior to September 1, 1972,  
233 will be eligible to receive an increase in the retirement allowance of the member  
234 of two percent for each year, or major fraction of more than one-half of a year,

235 which the retired member has been retired prior to July 1, 1975. This increased  
236 amount shall be payable commencing with January, 1976, and shall thereafter  
237 be referred to as the member's retirement allowance. The increase provided for  
238 in this subsection shall not affect the retired member's eligibility for  
239 compensation provided for in section 169.580 or 169.585, nor shall the amount  
240 being paid pursuant to these sections be reduced because of any increases  
241 provided for in this section.

242         13. If the board of trustees determines that the cost of living, as measured  
243 by generally accepted standards, increases two percent or more in the preceding  
244 fiscal year, the board shall increase the retirement allowances which the retired  
245 members or beneficiaries are receiving by two percent of the amount being  
246 received by the retired member or the beneficiary at the time the annual increase  
247 is granted by the board with the provision that the increases provided for in this  
248 subsection shall not become effective until the fourth January first following the  
249 member's retirement or January 1, 1977, whichever later occurs, or in the case  
250 of any member retiring on or after July 1, 2000, the increase provided for in this  
251 subsection shall not become effective until the third January first following the  
252 member's retirement, or in the case of any member retiring on or after July 1,  
253 2001, the increase provided for in this subsection shall not become effective until  
254 the second January first following the member's retirement. Commencing with  
255 January 1, 1992, if the board of trustees determines that the cost of living has  
256 increased five percent or more in the preceding fiscal year, the board shall  
257 increase the retirement allowances by five percent. The total of the increases  
258 granted to a retired member or the beneficiary after December 31, 1976, may not  
259 exceed eighty percent of the retirement allowance established at retirement or as  
260 previously adjusted by other subsections. If the cost of living increases less than  
261 five percent, the board of trustees may determine the percentage of increase to  
262 be made in retirement allowances, but at no time can the increase exceed five  
263 percent per year. If the cost of living decreases in a fiscal year, there will be no  
264 increase in allowances for retired members on the following January first.

265         14. The board of trustees may reduce the amounts which have been  
266 granted as increases to a member pursuant to subsection 13 of this section if the  
267 cost of living, as determined by the board and as measured by generally accepted  
268 standards, is less than the cost of living was at the time of the first increase  
269 granted to the member; except that, the reductions shall not exceed the amount  
270 of increases which have been made to the member's allowance after December 31,

271 1976.

272 15. Any application for retirement shall include a sworn statement by the  
273 member certifying that the spouse of the member at the time the application was  
274 completed was aware of the application and the plan of retirement elected in the  
275 application.

276 16. Notwithstanding any other provision of law, any person retired prior  
277 to September 28, 1983, who is receiving a reduced retirement allowance under  
278 option 1 or option 2 of subsection 3 of this section, as such option existed prior to  
279 September 28, 1983, and whose beneficiary nominated to receive continued  
280 retirement allowance payments under the elected option dies or has died, shall  
281 upon application to the board of trustees have his or her retirement allowance  
282 increased to the amount he or she would have been receiving had the option not  
283 been elected, actuarially adjusted to recognize any excessive benefits which would  
284 have been paid to him or her up to the time of application.

285 17. Benefits paid pursuant to the provisions of the public school  
286 retirement system of Missouri shall not exceed the limitations of Section 415 of  
287 Title 26 of the United States Code except as provided pursuant to this  
288 subsection. Notwithstanding any other law to the contrary, the board of trustees  
289 may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United  
290 States Code. Such plan shall be created solely for the purpose described in  
291 Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees  
292 may promulgate regulations necessary to implement the provisions of this  
293 subsection and to create and administer such benefit plan.

294 18. Notwithstanding any other provision of law to the contrary, any  
295 person retired before, on, or after May 26, 1994, shall be made, constituted,  
296 appointed and employed by the board as a special consultant on the matters of  
297 education, retirement and aging, and upon request shall give written or oral  
298 opinions to the board in response to such requests. As compensation for such  
299 duties the person shall receive an amount based on the person's years of service  
300 so that the total amount received pursuant to sections 169.010 to 169.141 shall  
301 be at least the minimum amounts specified in subdivisions (1) to (4) of this  
302 subsection. In determining the minimum amount to be received, the amounts in  
303 subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the  
304 actuarial adjustment, if any, that was applied to the person's retirement  
305 allowance. In determining the minimum amount to be received, beginning  
306 September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection

307 shall be adjusted in accordance with the actuarial adjustment, if any, that was  
308 applied to the person's retirement allowance due to election of an optional form  
309 of retirement having a continued monthly payment after the person's  
310 death. Notwithstanding any other provision of law to the contrary, no person  
311 retired before, on, or after May 26, 1994, and no beneficiary of such a person,  
312 shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based  
313 on the person's years of service less than the following amounts:

314 (1) Thirty or more years of service, one thousand two hundred dollars;

315 (2) At least twenty-five years but less than thirty years, one thousand  
316 dollars;

317 (3) At least twenty years but less than twenty-five years, eight hundred  
318 dollars;

319 (4) At least fifteen years but less than twenty years, six hundred dollars.

320 19. Notwithstanding any other provisions of law to the contrary, any  
321 person retired prior to May 26, 1994, and any designated beneficiary of such a  
322 retired member who was deceased prior to July 1, 1999, shall be made,  
323 constituted, appointed and employed by the board as a special consultant on the  
324 matters of education, retirement or aging and upon request shall give written or  
325 oral opinions to the board in response to such requests. Beginning September 1,  
326 1996, as compensation for such service, the member shall have added, pursuant  
327 to this subsection, to the member's monthly annuity as provided by this section  
328 a dollar amount equal to the lesser of sixty dollars or the product of two dollars  
329 multiplied by the member's number of years of creditable service. Beginning  
330 September 1, 1999, the designated beneficiary of the deceased member shall as  
331 compensation for such service have added, pursuant to this subsection, to the  
332 monthly annuity as provided by this section a dollar amount equal to the lesser  
333 of sixty dollars or the product of two dollars multiplied by the member's number  
334 of years of creditable service. The total compensation provided by this section  
335 including the compensation provided by this subsection shall be used in  
336 calculating any future cost-of-living adjustments provided by subsection 13 of this  
337 section.

338 20. Any member who has retired prior to July 1, 1998, and the designated  
339 beneficiary of a deceased retired member shall be made, constituted, appointed  
340 and employed by the board as a special consultant on the matters of education,  
341 retirement and aging, and upon request shall give written or oral opinions to the  
342 board in response to such requests. As compensation for such duties the person



343 shall receive a payment equivalent to eight and seven-tenths percent of the  
344 previous month's benefit, which shall be added to the member's or beneficiary's  
345 monthly annuity and which shall not be subject to the provisions of subsections  
346 13 and 14 of this section for the purposes of the limit on the total amount of  
347 increases which may be received.

348         21. Any member who has retired shall be made, constituted, appointed  
349 and employed by the board as a special consultant on the matters of education,  
350 retirement and aging, and upon request shall give written or oral opinions to the  
351 board in response to such request. As compensation for such duties, the  
352 beneficiary of the retired member, or, if there is no beneficiary, the surviving  
353 spouse, surviving children in equal shares, surviving parents in equal shares, or  
354 estate of the retired member, in that order of precedence, shall receive as a part  
355 of compensation for these duties a death benefit of five thousand dollars.

356         22. Any member who has retired prior to July 1, 1999, and the designated  
357 beneficiary of a retired member who was deceased prior to July 1, 1999, shall be  
358 made, constituted, appointed and employed by the board as a special consultant  
359 on the matters of education, retirement and aging, and upon request shall give  
360 written or oral opinions to the board in response to such requests. As  
361 compensation for such duties, the person shall have added, pursuant to this  
362 subsection, to the monthly annuity as provided by this section a dollar amount  
363 equal to five dollars times the member's number of years of creditable service.

364         23. Any member who has retired prior to July 1, 2000, and the designated  
365 beneficiary of a deceased retired member shall be made, constituted, appointed  
366 and employed by the board as a special consultant on the matters of education,  
367 retirement and aging, and upon request shall give written or oral opinions to the  
368 board in response to such requests. As compensation for such duties, the person  
369 shall receive a payment equivalent to three and five-tenths percent of the  
370 previous month's benefit, which shall be added to the member or beneficiary's  
371 monthly annuity and which shall not be subject to the provisions of subsections  
372 13 and 14 of this section for the purposes of the limit on the total amount of  
373 increases which may be received.

374         24. Any member who has retired prior to July 1, 2001, and the designated  
375 beneficiary of a deceased retired member shall be made, constituted, appointed  
376 and employed by the board as a special consultant on the matters of education,  
377 retirement and aging, and upon request shall give written or oral opinions to the  
378 board in response to such requests. As compensation for such duties, the person

379 shall receive a dollar amount equal to three dollars times the member's number  
380 of years of creditable service, which shall be added to the member's or  
381 beneficiary's monthly annuity and which shall not be subject to the provisions of  
382 subsections 13 and 14 of this section for the purposes of the limit on the total  
383 amount of increases which may be received.

384         169.270. Unless a different meaning is clearly required by the context, the  
385 following words and phrases as used in sections 169.270 to 169.400 shall have the  
386 following meanings:

387         (1) "Accumulated contributions", the sum of all amounts deducted from  
388 the compensation of a member or paid on behalf of the member by the employer  
389 and credited to the member's individual account together with interest thereon  
390 in the employees' contribution fund. The board of trustees shall determine the  
391 rate of interest allowed thereon as provided for in section 169.295;

392         (2) "Actuarial equivalent", a benefit of equal value when computed upon  
393 the basis of formulas and/or tables which have been approved by the board of  
394 trustees. The formulas and tables in effect at any time shall be set forth in a  
395 written document which shall be maintained at the offices of the retirement  
396 system and treated for all purposes as part of the documents governing the  
397 retirement system established by section 169.280. The formulas and tables may  
398 be changed from time to time if recommended by the retirement system's actuary  
399 and approved by the board of trustees;

400         (3) "Average final compensation", the highest average annual  
401 compensation received for any four consecutive years of service. In determining  
402 whether years of service are "consecutive", only periods for which creditable  
403 service is earned shall be considered, and all other periods shall be disregarded;

404         (4) "Beneficiary", any person designated by a member for a retirement  
405 allowance or other benefit as provided by sections 169.270 to 169.400;

406         (5) "Board of education", the board of directors or corresponding board, by  
407 whatever name, having charge of the public schools of the school district in which  
408 the retirement system is established;

409         (6) "Board of trustees", the board provided for in section 169.291 to  
410 administer the retirement system;

411         (7) "Break in service", an occurrence when a regular employee ceases to  
412 be a regular employee for any reason other than retirement (including  
413 termination of employment, resignation, or furlough but not including vacation,  
414 sick leave, excused absence or leave of absence granted by an employer) and such

415 person does not again become a regular employee until after sixty consecutive  
416 calendar days have elapsed, or after fifteen consecutive school or work days have  
417 elapsed, whichever occurs later. A break in service also occurs when a regular  
418 employee retires under the retirement system established by section 169.280 and  
419 does not again become a regular employee until after fifteen consecutive school  
420 or work days have elapsed. A "school or work day" is a day on which the  
421 employee's employer requires (or if the position no longer exists, would require,  
422 based on past practice) employees having the former employee's last job  
423 description to report to their place of employment for any reason;

424 (8) "Charter school", any charter school established pursuant to sections  
425 160.400 to 160.420 and located, at the time it is established, within the school  
426 district;

427 (9) "Compensation", the regular compensation as shown on the salary and  
428 wage schedules of the employer, including any amounts paid by the employer on  
429 a member's behalf pursuant to subdivision (5) of subsection 1 of section 169.350,  
430 but such term is not to include extra pay, overtime pay, consideration for entering  
431 into early retirement, or any other payments not included on salary and wage  
432 schedules. For any year beginning after December 31, 1988, the annual  
433 compensation of each member taken into account under the retirement system  
434 shall not exceed the limitation set forth in Section 401(a)(17) of the Internal  
435 Revenue Code of 1986, as amended;

436 (10) "Creditable service", the amount of time that a regular employee is  
437 a member of the retirement system and makes contributions thereto in  
438 accordance with the provisions of sections 169.270 to 169.400;

439 (11) "Employee", any person who is classified by the school district, a  
440 charter school, the library district or the retirement system established by section  
441 169.280 as an employee of such employer and is reported contemporaneously for  
442 federal and state tax purposes as an employee of such employer. A person is not  
443 considered to be an employee for purposes of such retirement system with respect  
444 to any service for which the person was not reported contemporaneously for  
445 federal and state tax purposes as an employee of such employer, regardless of  
446 whether the person is or may later be determined to be or to have been a common  
447 law employee of such employer, including but not limited to a person classified  
448 by the employer as independent contractors and persons employed by other  
449 entities which contract to provide staff and services to the employer. In no event  
450 shall a person reported for federal tax purposes as an employee of a private, for-

451 profit entity be deemed to be an employee eligible to participate in the retirement  
452 system established by section 169.280 with respect to such employment;

453 (12) "Employer", the school district, any charter school, the library  
454 district, or the retirement system established by section 169.280, or any  
455 combination thereof, as required by the context to identify the employer of any  
456 member, or, for purposes only of subsection 2 of section 169.324, of any retiree;

457 (13) "Employer's board", the board of education, the governing board of  
458 any charter school, the board of trustees of the library district, the board of  
459 trustees, or any combination thereof, as required by the context to identify the  
460 governing body of an employer;

461 (14) "Library district", any urban public library district created from or  
462 within a school district under the provisions of section 182.703;

463 (15) "Medical board", the board of physicians provided for in section  
464 169.291;

465 (16) "Member", any person who is a regular employee after the retirement  
466 system has been established hereunder ("active member"), and any person who  
467 (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii)  
468 is not receiving a retirement allowance hereunder ("inactive member"). **A person**  
469 **shall cease to be a member if the person has a break in service before**  
470 **earning any vested retirement benefits or if the person withdraws his**  
471 **or her accumulated contributions from the retirement system;**

472 (17) "Minimum normal retirement age", **for any member who retires**  
473 **before January 1, 2014, or who is a member of the retirement system on**  
474 **December 31, 2013, and remains a member continuously to retirement,**  
475 the earlier of the date the member attains the age of sixty or the date the member  
476 has a total of at least seventy-five credits, with each year of creditable service and  
477 each year of age equal to one credit[,] **and with both years of creditable service**  
478 **and years of age prorated for fractional years; for any person who becomes**  
479 **a member of the retirement system on or after January 1, 2014,**  
480 **including any person who was previously a member of the retirement**  
481 **system before January 1, 2014, but ceased to be a member for any**  
482 **reason other than retirement, the earlier of the date the member**  
483 **attains the age of sixty-two or the date the member has a total of at**  
484 **least eighty credits, with each year of creditable service and each year**  
485 **of age equal to one credit and with both years of creditable service and**  
486 **years of age prorated for fractional years;**

487 (18) "Prior service", service prior to the date the system becomes operative  
488 which is creditable in accordance with the provisions of section 169.311. Prior  
489 service in excess of thirty-eight years shall be considered thirty-eight years;

490 (19) "Regular employee", any employee who is assigned to an established  
491 position which requires service of not less than twenty-five hours per week, and  
492 not less than nine calendar months a year. Any regular employee who is  
493 subsequently assigned without break in service to a position demanding less  
494 service than is required of a regular employee shall continue the employee's  
495 status as a regular employee. Except as stated in the preceding sentence, a  
496 temporary, part-time, or furloughed employee is not a regular employee;

497 (20) "Retirant", a former member receiving a retirement allowance  
498 hereunder;

499 (21) "Retirement allowance", annuity payments to a retirant or to such  
500 beneficiary as is entitled to same;

501 (22) "School district", any school district in which a retirement system  
502 shall be established under section 169.280.

169.291. 1. The general administration and the responsibility for the  
2 proper operation of the retirement system are hereby vested in a board of trustees  
3 of twelve persons who shall be resident taxpayers of the school district, as follows:

4 (1) Four trustees to be appointed for terms of four years by the board of  
5 education; provided, however, that the terms of office of the first four trustees so  
6 appointed shall begin immediately upon their appointment and shall expire one,  
7 two, three and four years from the date the retirement system becomes operative,  
8 respectively;

9 (2) Four trustees to be elected for terms of four years by and from the  
10 members of the retirement system; provided, however, that the terms of office of  
11 the first four trustees so elected shall begin immediately upon their election and  
12 shall expire one, two, three and four years from the date the retirement system  
13 becomes operative, respectively;

14 (3) The ninth trustee shall be the superintendent of schools of the school  
15 district;

16 (4) The tenth trustee shall be one retirant of the retirement system  
17 elected for a term of four years beginning the first day of January immediately  
18 following August 13, 1986, by the retirants of the retirement system;

19 (5) The eleventh trustee shall be appointed for a term of four years  
20 beginning the first day of January immediately following August 13, 1990, by the

21 board of trustees described in subdivision (3) of section 182.701;

22 (6) The twelfth trustee shall be a retirant of the retirement system elected  
23 for a term of four years beginning the first day of January immediately following  
24 August 28, 1992, by the retirants of the retirement system.

25 2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled  
26 for the unexpired term in the same manner as the office was previously filled,  
27 except that the board of trustees may appoint a qualified person to fill the  
28 vacancy in the office of an elected member until the next regular election at which  
29 time a member shall be elected for the unexpired term. No vacancy or vacancies  
30 on the board of trustees shall impair the power of the remaining trustees to  
31 administer the retirement system pending the filling of such vacancy or  
32 vacancies.

33 3. In the event of a lapse of the school district's corporate organization as  
34 described in subsections 1 and 4 of section 162.081, the general administration  
35 and responsibility for the proper operation of the retirement system shall  
36 continue to be vested in a twelve-person board of trustees, all of whom shall be  
37 resident taxpayers of a city, other than a city not within a county, of four hundred  
38 thousand or more. In such event, if vacancies occur in the offices of the four  
39 trustees appointed, prior to the lapse, by the board of education, or in the offices  
40 of the four trustees elected, prior to the lapse, by the members of the retirement  
41 system, or in the office of trustee held, prior to the lapse, by the superintendent  
42 of schools in the school district, as provided in subdivisions (1), (2) and (3) of  
43 subsection 1 of this section, the board of trustees shall appoint a qualified person  
44 to fill each vacancy and subsequent vacancies in the office of trustee for terms of  
45 up to four years, as determined by the board of trustees.

46 4. Each trustee shall, before assuming the duties of a trustee, take the  
47 oath of office before the court of the judicial circuit or one of the courts of the  
48 judicial circuit in which the school district is located that so far as it devolves  
49 upon the trustee, such trustee shall diligently and honestly administer the affairs  
50 of the board of trustees and that the trustee will not knowingly violate or  
51 willingly permit to be violated any of the provisions of the law applicable to the  
52 retirement system. Such oath shall be subscribed to by the trustee making it and  
53 filed in the office of the clerk of the circuit court.

54 5. Each trustee shall be entitled to one vote in the board of  
55 trustees. Seven trustees shall constitute a quorum at any meeting of the board  
56 of trustees. At any meeting of the board of trustees where a quorum is present,

57 the vote of at least seven of the trustees in support of a motion, resolution or  
58 other matter is necessary to be the decision of the board; provided, however, that  
59 in the event of a lapse in the school district's corporate organization as described  
60 in subsections 1 and 4 of section 162.081, a majority of the trustees then in office  
61 shall constitute a quorum at any meeting of the board of trustees, and the vote  
62 of a majority of the trustees then in office in support of a motion, resolution or  
63 other matter shall be necessary to be the decision of the board.

64         6. The board of trustees shall have exclusive original jurisdiction in all  
65 matters relating to or affecting the funds herein provided for, including, in  
66 addition to all other matters, all claims for benefits or refunds, and its action,  
67 decision or determination in any matter shall be reviewable in accordance with  
68 chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to  
69 169.400, the board of trustees shall, from time to time, establish rules and  
70 regulations for the administration of funds of the retirement system, for the  
71 transaction of its business, and for the limitation of the time within which claims  
72 may be filed.

73         7. The trustees shall serve without compensation. The board of trustees  
74 shall elect from its membership a chairman and a vice chairman. The board of  
75 trustees shall appoint an executive director who shall serve as the administrative  
76 officer of the retirement system and as secretary to the board of trustees. It shall  
77 employ one or more persons, firms or corporations experienced in the investment  
78 of moneys to serve as investment counsel to the board of trustees. The  
79 compensation of all persons engaged by the board of trustees and all other  
80 expenses of the board necessary for the operation of the retirement system shall  
81 be paid at such rates and in such amounts as the board of trustees shall approve,  
82 and shall be paid from the investment income.

83         8. The board of trustees shall keep in convenient form such data as shall  
84 be necessary for actuarial valuations of the various funds of the retirement  
85 system and for checking the experience of the system.

86         9. The board of trustees shall keep a record of all its proceedings which  
87 shall be open to public inspection. It shall prepare annually and furnish to the  
88 board of education and to each member of the retirement system who so requests  
89 a report showing the fiscal transactions of the retirement system for the  
90 preceding fiscal year, the amount of accumulated cash and securities of the  
91 system, and the last balance sheet showing the financial condition of the system  
92 by means of an actuarial valuation of the assets and liabilities of the retirement

93 system.

94 10. The board of trustees shall have, in its own name, power to sue and  
95 to be sued, to enter into contracts, to own property, real and personal, and to  
96 convey the same; but the members of such board of trustees shall not be  
97 personally liable for obligations or liabilities of the board of trustees or of the  
98 retirement system.

99 11. The board of trustees shall arrange for necessary legal advice for the  
100 operation of the retirement system.

101 12. The board of trustees shall designate a medical board to be composed  
102 of three or more physicians who shall not be eligible for membership in the  
103 system and who shall pass upon all medical examinations required under the  
104 provisions of sections 169.270 to 169.400, shall investigate all essential  
105 statements and certificates made by or on behalf of a member in connection with  
106 an application for disability retirement and shall report in writing to the board  
107 of trustees its conclusions and recommendations upon all matters referred to it.

108 13. The board of trustees shall designate an actuary who shall be the  
109 technical advisor of the board of trustees on matters regarding the operation of  
110 the retirement system and shall perform such other duties as are required in  
111 connection therewith. Such person shall be qualified as an actuary by  
112 membership as a Fellow of the Society of Actuaries or by similar objective  
113 standards.

114 14. At least once in each five-year period the actuary shall make an  
115 investigation into the actuarial experience of the members, retirants and  
116 beneficiaries of the retirement system and, taking into account the results of such  
117 investigation, the board of trustees shall adopt for the retirement system such  
118 actuarial assumptions as the board of trustees deems necessary for the financial  
119 soundness of the retirement system.

120 15. On the basis of such actuarial assumptions as the board of trustees  
121 adopts, the actuary shall make annual valuations of the assets and liabilities of  
122 the funds of the retirement system.

123 16. The rate of contribution payable by the [employer] **employers** shall  
124 equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three  
125 and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-  
126 nine one-hundredths percent, effective July 1, 1996; seven and one-half percent  
127 effective January 1, 1999, and for [all] subsequent **calendar** years **through**  
128 **2013. For calendar year 2014 and each subsequent year, the rate of**



129 **contribution payable by the employers for each year shall be**  
130 **determined by the actuary for the retirement system in the manner**  
131 **provided in subsection 4 of section 169.350 and shall be certified by the**  
132 **board of trustees to the employers at least six months prior to the date**  
133 **such rate is to be effective.**

134 17. In the event of a lapse of a school district's corporate organization as  
135 described in subsections 1 and 4 of section 162.081, no retirement system, nor any  
136 of the assets of any retirement system, shall be transferred to or merged with  
137 another retirement system without prior approval of such transfer or merge by  
138 the board of trustees of the retirement system.

169.301. 1. Any active member who has completed five or more years of  
2 actual (not purchased) creditable service shall be entitled to a vested retirement  
3 benefit equal to the annual service retirement allowance provided in sections  
4 169.270 to 169.400 payable after attaining the minimum normal retirement age  
5 and calculated in accordance with the law in effect on the last date such person  
6 was a regular employee; provided, that such member does not withdraw such  
7 person's accumulated contributions pursuant to section 169.328 prior to attaining  
8 the minimum normal retirement age.

9 2. Any member who elected on October 13, 1961, or within thirty days  
10 thereafter, to continue to contribute and to receive benefits under sections  
11 169.270 to 169.400 may continue to be a member of the retirement system under  
12 the terms and conditions of the plan in effect immediately prior to October 13,  
13 1961, or may, upon written request to the board of trustees, transfer to the  
14 present plan, provided that the member pays into the system any additional  
15 contributions with interest the member would have credited to the member's  
16 account if such person had been a member of the current plan since its inception  
17 or, if the person's contributions and interest are in excess of what the person  
18 would have paid, such person will receive a refund of such excess. The board of  
19 trustees shall adopt appropriate rules and regulations governing the operation  
20 of the plan in effect immediately prior to October 13, 1961.

21 3. Should a retirant again become an active member, such person's  
22 retirement allowance payments shall cease during such membership and shall be  
23 recalculated upon subsequent retirement to include any creditable service earned  
24 during the person's latest period of active membership in accordance with  
25 subsection 2 of section 169.324.

26 4. In the event of the complete termination of the retirement system

27 established by section 169.280 or the complete discontinuance of contributions to  
28 such retirement system, the rights of all members to benefits accrued to the date  
29 of such termination or discontinuance, to the extent then funded, shall be fully  
30 vested and nonforfeitable.

31 5. If a member leaves employment with an employer to perform qualified  
32 military service, as defined in Section 414(u) of the Internal Revenue Code of  
33 1986, as amended, and dies while in such service, the member's survivors shall  
34 be entitled to any additional benefits (other than benefit accruals relating to the  
35 period of qualified military service) that would have been provided had the  
36 member resumed employment with the employer and then terminated on account  
37 of death in accordance with the requirements of Sections [407(a)(37)] **401(a)(37)**  
38 and 414(u) of the Internal Revenue Code of 1986, as amended. In such event, the  
39 member's period of qualified military [services] **service** shall be counted as  
40 creditable service for purposes of vesting but not for purposes of determining the  
41 amount of the member's retirement allowance.

169.324. 1. The annual service retirement allowance payable pursuant  
2 to section 169.320 [in equal monthly installments for life shall be the retirant's  
3 number of years of creditable service multiplied by one and three-fourths percent  
4 of the person's average final compensation, subject to a maximum of sixty percent  
5 of the person's average final compensation. For any member who retires as an  
6 active member on or after June 30, 1999, the annual service retirement allowance  
7 payable pursuant to section 169.320 in equal monthly installments for life shall  
8 be the retirant's number of years of creditable service multiplied by two percent  
9 of the person's average final compensation, subject to a maximum of sixty percent  
10 of the person's average final compensation. Any member whose number of years  
11 of creditable service is greater than thirty-four and one-quarter on August 28,  
12 1993, shall receive an annual service retirement allowance payable pursuant to  
13 section 169.320 in equal monthly installments for life equal to the retirant's  
14 number of years of creditable service as of August 28, 1993, multiplied by one and  
15 three-fourths percent of the person's average final compensation but shall not  
16 receive a greater annual service retirement allowance based on additional years  
17 of creditable service after August 28, 1993. Provided, however, that,] **shall be**  
18 **the retirant's number of years of creditable service multiplied by a**  
19 **percentage of the retirant's average final compensation, determined as**  
20 **follows:**

21 (1) A retirant whose last employment as a regular employee

22 ended prior to June 30, 1999, shall receive an annual service retirement  
23 allowance payable pursuant to section 169.320 in equal monthly  
24 installments for life equal to the retirant's number of years of  
25 creditable service multiplied by one and three-fourths percent of the  
26 person's average final compensation, subject to a maximum of sixty  
27 percent of the person's average final compensation;

28 (2) A retirant whose number of years of creditable service is  
29 greater than thirty-four and one-quarter on August 28, 1993, shall  
30 receive an annual service retirement allowance payable pursuant to  
31 section 169.320 in equal monthly installments for life equal to the  
32 retirant's number of years of creditable service as of August 28, 1993,  
33 multiplied by one and three-fourths percent of the person's average  
34 final compensation but shall not receive a greater annual service  
35 retirement allowance based on additional years of creditable service  
36 after August 28, 1993;

37 (3) A retirant who was an active member of the retirement  
38 system at any time on or after June 30, 1999, and who either retires  
39 before January 1, 2014, or is a member of the retirement system on  
40 December 31, 2013, and remains a member continuously to retirement  
41 shall receive an annual service retirement allowance payable pursuant  
42 to section 169.320 in equal monthly installments for life equal to the  
43 retirant's number of years of creditable service multiplied by two  
44 percent of the person's average final compensation, subject to a  
45 maximum of sixty percent of the person's final compensation;

46 (4) A retirant who becomes a member of the retirement system  
47 on or after January 1, 2014, including any retirant who was a member  
48 of the retirement system before January 1, 2014, but ceased to be a  
49 member for any reason other than retirement, shall receive an annual  
50 service retirement allowance payable pursuant to section 169.320 in  
51 equal monthly installments for life equal to the retirant's number of  
52 years of creditable service multiplied by one and three-fourths percent  
53 of the person's average final compensation, subject to a maximum of  
54 sixty percent of the person's average final compensation;

55 (5) Notwithstanding the provisions of subdivisions (1) to (4) of  
56 this subsection, effective January 1, 1996, any [retiree] retirant who retired  
57 on, before or after January 1, 1996, with at least twenty years of creditable  
58 service shall receive at least three hundred dollars each month as a retirement

59 allowance, or the actuarial equivalent thereof if the [retiree] **retirant** elected any  
60 of the options available under section 169.326. [Provided, further, any retiree]  
61 **Any retirant** who retired with at least ten years of creditable service shall  
62 receive at least one hundred fifty dollars each month as a retirement allowance,  
63 plus fifteen dollars for each additional full year of creditable service greater than  
64 ten years but less than twenty years (or the actuarial equivalent thereof if the  
65 [retiree] **retirant** elected any of the options available under section  
66 169.326). Any beneficiary of a deceased [retiree] **retirant** who retired with at  
67 least ten years of creditable service and elected one of the options available under  
68 section 169.326 shall also be entitled to the actuarial equivalent of the minimum  
69 benefit provided by this subsection, determined from the option chosen.

70       2. Except as otherwise provided in sections 169.331, 169.580 and 169.585,  
71 payment of a retirant's retirement allowance will be suspended for any month for  
72 which such person receives remuneration from the person's employer or from any  
73 other employer in the retirement system established by section 169.280 for the  
74 performance of services except any such person other than a person receiving a  
75 disability retirement allowance under section 169.322 may serve as a nonregular  
76 substitute, part-time or temporary employee for not more than six hundred hours  
77 in any school year without becoming a member and without having the person's  
78 retirement allowance discontinued, provided that through such substitute, part-  
79 time, or temporary employment, the person may earn no more than fifty percent  
80 of the annual salary or wages the person was last paid by the employer before the  
81 person retired and commenced receiving a retirement allowance, adjusted for  
82 inflation. If a person exceeds such hours limit or such compensation limit,  
83 payment of the person's retirement allowance shall be suspended for the month  
84 in which such limit was exceeded and each subsequent month in the school year  
85 for which the person receives remuneration from any employer in the retirement  
86 system. If a retirant is reemployed by any employer in any capacity, whether  
87 pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular  
88 employee, the amount of such person's retirement allowance attributable to  
89 service prior to the person's first retirement date shall not be changed by the  
90 reemployment. If the person again becomes an active member and earns  
91 additional creditable service, upon the person's second retirement the person's  
92 retirement allowance shall be the sum of:

93       (1) The retirement allowance the person was receiving at the time the  
94 person's retirement allowance was suspended, pursuant to the payment option

95 elected as of the first retirement date, plus the amount of any increase in such  
96 retirement allowance the person would have received pursuant to subsection 3 of  
97 this section had payments not been suspended during the person's reemployment;  
98 and

99 (2) An additional retirement allowance computed using the benefit  
100 formula in effect on the person's second retirement date, the person's creditable  
101 service following reemployment, and the person's average final annual  
102 compensation as of the second retirement date. The sum calculated pursuant to  
103 this subsection shall not exceed the greater of sixty percent of the person's  
104 average final compensation as of the second retirement date or the amount  
105 determined pursuant to subdivision (1) of this subsection. Compensation earned  
106 prior to the person's first retirement date shall be considered in determining the  
107 person's average final compensation as of the second retirement date if such  
108 compensation would otherwise be included in determining the person's average  
109 final compensation.

110 3. The board of trustees shall determine annually whether the investment  
111 return on funds of the system can provide for an increase in benefits for retirants  
112 eligible for such increase. A retirant shall and will be eligible for an increase  
113 awarded pursuant to this section as of the second January following the date the  
114 retirant commenced receiving retirement benefits. Any such increase shall also  
115 apply to any monthly joint and survivor retirement allowance payable to such  
116 retirant's beneficiaries, regardless of age. The board shall make such  
117 determination as follows:

118 (1) After determination by the actuary of the investment return for the  
119 preceding year as of December thirty-first (the "valuation year"), the actuary shall  
120 recommend to the board of trustees what portion of the investment return is  
121 available to provide such benefits increase, if any, and shall recommend the  
122 amount of such benefits increase, if any, to be implemented as of the first day of  
123 the thirteenth month following the end of the valuation year, and [the] first  
124 payable on or about the first day of the fourteenth month following the end of the  
125 valuation year. The actuary shall make such recommendations so as not to affect  
126 the financial soundness of the retirement system, recognizing the following  
127 safeguards:

128 (a) The retirement system's funded ratio as of January first of the year  
129 preceding the year of a proposed increase shall be at least one hundred percent  
130 after adjusting for the effect of the proposed increase. The funded ratio is the

131 ratio of assets to the pension benefit obligation;

132 (b) The actuarially required contribution rate, after adjusting for the  
133 effect of the proposed increase, may not exceed the [statutory] **then applicable**  
134 **employer and member** contribution rate **as determined under subsection**  
135 **4 of section 169.350**;

136 (c) The actuary shall certify to the board of trustees that the proposed  
137 increase will not impair the actuarial soundness of the retirement system;

138 (d) A benefit increase, under this section, once awarded, cannot be  
139 reduced in succeeding years;

140 (2) The board of trustees shall review the actuary's recommendation and  
141 report and shall, in their discretion, determine if any increase is prudent and, if  
142 so, shall determine the amount of increase to be awarded.

143 4. This section does not guarantee an annual increase to any retirant.

144 5. If an inactive member becomes an active member after June 30, 2001,  
145 and after a break in service, unless the person earns at least four additional  
146 years of creditable service without another break in service, upon retirement the  
147 person's retirement allowance shall be calculated separately for each separate  
148 period of service ending in a break in service. The retirement allowance shall be  
149 the sum of the separate retirement allowances computed for each such period of  
150 service using the benefit formula in effect, the person's average final  
151 compensation as of the last day of such period of service and the creditable  
152 service the person earned during such period of service; provided, however, if the  
153 person earns at least four additional years of creditable service without another  
154 break in service, all of the person's creditable service prior to and including such  
155 service shall be aggregated and, upon retirement, the retirement allowance shall  
156 be computed using the benefit formula in effect and the person's average final  
157 compensation as of the last day of such period of four or more years and all of the  
158 creditable service the person earned prior to and during such period.

159 6. Notwithstanding anything contained in this section to the contrary, the  
160 amount of the annual service retirement allowance payable to any retirant  
161 pursuant to the provisions of sections 169.270 to 169.400, including any  
162 adjustments made pursuant to subsection 3 of this section, shall at all times  
163 comply with the provisions and limitations of Section 415 of the Internal Revenue  
164 Code of 1986, as amended, and the regulations thereunder, the terms of which are  
165 specifically incorporated herein by reference.

166 7. All retirement systems established by the laws of the state of Missouri

167 shall develop a procurement action plan for utilization of minority and women  
168 money managers, brokers and investment counselors. Such retirement systems  
169 shall report their progress annually to the joint committee on public employee  
170 retirement and the governor's minority advocacy commission.

169.350. 1. All of the assets of the retirement system (other than tangible  
2 real or personal property owned by the retirement system for use in carrying out  
3 its duties, such as office supplies and furniture) shall be credited, according to the  
4 purpose for which they are held, in either the employees' contribution fund or the  
5 general reserve fund.

6 (1) The employees' contribution fund shall be the fund in which shall be  
7 accumulated the contributions of the members. The employer shall, except as  
8 provided in subdivision (5) of this subsection, cause to be deducted from the  
9 compensation of each member on each and every payroll, for each and every  
10 payroll period, the pro rata portion of five and nine-tenths percent of his  
11 annualized compensation. Effective January 1, 1999, **through December 31,**  
12 **2013,** the employer shall deduct an additional one and six-tenths percent of the  
13 member's annualized compensation. **For 2014 and for each subsequent year,**  
14 **the employer shall deduct from each member's annualized**  
15 **compensation the rate of contribution determined for such year by the**  
16 **actuary for the retirement system in the manner provided in subsection**  
17 **4 of this section.**

18 (2) The employer shall pay all such deductions and any amount it may  
19 elect to pay pursuant to subdivision (5) of this subsection to the retirement  
20 system at once. The retirement system shall credit such deductions and such  
21 amounts to the individual account of each member from whose compensation the  
22 deduction was made or with respect to whose compensation the amount was paid  
23 pursuant to subdivision (5) of this subsection. In determining the deduction for  
24 a member in any payroll period, the board of trustees may consider the rate of  
25 compensation payable to such member on the first day of the payroll period as  
26 continuing throughout such period.

27 (3) The deductions provided for herein are declared to be a part of the  
28 compensation of the member and the making of such deductions shall constitute  
29 payments by the member out of the person's compensation and such deductions  
30 shall be made notwithstanding that the amount actually paid to the member after  
31 such deductions is less than the minimum compensation provided by law for any  
32 member. Every member shall be deemed to consent to the deductions made and

33 provided for herein, and shall receipt for the person's full compensation, and the  
34 making of the deduction and the payment of compensation less the deduction  
35 shall be a full and complete discharge and acquittance of all claims and demands  
36 whatsoever for services rendered during the period covered by the payment except  
37 as to benefits provided by sections 169.270 to 169.400.

38 (4) The accumulated contributions with interest of a member withdrawn  
39 by the person or paid to the person's estate or designated beneficiary in the event  
40 of the person's death before retirement shall be paid from the employees'  
41 contribution fund. Upon retirement of a member the member's accumulated  
42 contributions with interest shall be transferred from the employees' contribution  
43 fund to the general reserve fund.

44 (5) The employer may elect to pay on behalf of all members all or part of  
45 the amount that the members would otherwise be required to contribute to the  
46 employees' contribution fund pursuant to subdivision (1) of this subsection. Such  
47 amounts paid by the employer shall be in lieu of members' contributions and shall  
48 be treated for all purposes of sections 169.270 to 169.400 as contributions made  
49 by members. Notwithstanding any other provision of this chapter to the contrary,  
50 no member shall be entitled to receive such amounts directly. The election shall  
51 be made by a duly adopted resolution of the employer's board and shall remain  
52 in effect for at least one year from the effective date thereof. The election may  
53 be thereafter terminated only by an affirmative act of the employer's board  
54 notwithstanding any limitation in the term thereof in the adopting  
55 resolution. Any such termination resolution shall be adopted at least sixty days  
56 prior to the effective date thereof, and the effective date thereof shall coincide  
57 with a fiscal year-end of the employer. In the absence of such a termination  
58 resolution, the election shall remain in effect from fiscal year to fiscal year.

59 2. The general reserve fund shall be the fund in which shall be  
60 accumulated all reserves for the payment of all benefit expenses and other  
61 demands whatsoever upon the retirement system except those items heretofore  
62 allocated to the employees' contribution fund.

63 (1) All contributions by the employer, except those the employer elects to  
64 make on behalf of the members pursuant to subdivision (5) of subsection 1 of this  
65 section, shall be credited to the general reserve fund.

66 (2) Should a retirant be restored to active service and again become a  
67 member of the retirement system, the excess, if any, of the person's accumulated  
68 contributions over benefits received by the retirant shall be transferred from the



69 general reserve fund to the employees' contribution fund and credited to the  
70 person's account.

71 3. Gifts, devises, bequests and legacies may be accepted by the board of  
72 trustees and deposited in the general reserve fund to be held, invested and used  
73 at its discretion for the benefit of the retirement system except where specific  
74 direction for the use of a gift is made by a donor.

75 4. Beginning in 2013, the actuary for the retirement system shall  
76 annually calculate the rate of employer contributions and member  
77 contributions for 2014 and for each subsequent calendar year,  
78 expressed as a level percentage of the annualized compensation of the  
79 members, subject to the following:

80 (1) The rate of contribution for any calendar year shall be  
81 determined based on an actuarial valuation of the retirement system  
82 as of the first day of the prior calendar year. Such actuarial valuation  
83 shall be performed using the actuarial cost method and actuarial  
84 assumptions adopted by the board of trustees and in accordance with  
85 accepted actuarial standards of practice in effect at the time the  
86 valuation is performed, as promulgated by the actuarial standards  
87 board or its successor;

88 (2) The target combined employer and member contribution rate  
89 shall be the amount actuarially required to cover the normal cost and  
90 amortize any unfunded accrued actuarial liability over a period that  
91 shall not exceed thirty years from the date of the valuation;

92 (3) The target combined rate as so determined shall be allocated  
93 equally between the employer contribution rate and the member  
94 contribution rate, provided, however, that the level rate of  
95 contributions to be paid by the employers and the level rate of  
96 contributions to be deducted from the compensation of members for  
97 any calendar year shall each be limited as follows:

98 (a) The contribution rate shall not be less than seven and one-  
99 half percent;

100 (b) The contribution rate shall not exceed nine percent; and

101 (c) Changes in the contribution rate from year to year shall be  
102 in increments of one-half percent such that the contribution rate for  
103 any year shall not be greater than or less than the rate in effect for the  
104 prior year by more than one-half percent;

105 (4) The board of trustees shall certify to the employers the

106 **contribution rate for the following calendar year no later than six**  
107 **months prior to the date such rate is to be effective.**

169.670. 1. The retirement allowance of a member whose age at  
2 retirement is sixty years or more and whose creditable service is five years or  
3 more, or whose sum of age and creditable service equals eighty years or more, or  
4 whose creditable service is thirty years or more regardless of age, shall be the  
5 sum of the following items:

6 (1) For each year of membership service, one and sixty-one hundredths  
7 percent of the member's final average salary;

8 (2) Six-tenths of the amount payable for a year of membership service for  
9 each year of prior service;

10 (3) Eighty-five one-hundredths of one percent of any amount by which the  
11 member's average compensation for services rendered prior to July 1, 1973,  
12 exceeds the average monthly compensation on which federal Social Security taxes  
13 were paid during the period over which such average compensation was  
14 computed, for each year of membership service credit for services rendered prior  
15 to July 1, 1973, plus six-tenths of the amount payable for a year of membership  
16 service for each year of prior service credit;

17 (4) In lieu of the retirement allowance otherwise provided by subdivisions  
18 (1) to (3) of this subsection, [between July 1, 2001, and July 1, 2013,] a member  
19 may elect to receive a retirement allowance of:

20 (a) One and fifty-nine hundredths percent of the member's final average  
21 salary for each year of membership service, if the member's creditable service is  
22 twenty-nine years or more but less than thirty years and the member has not  
23 attained the age of fifty-five;

24 (b) One and fifty-seven hundredths percent of the member's final average  
25 salary for each year of membership service, if the member's creditable service is  
26 twenty-eight years or more but less than twenty-nine years, and the member has  
27 not attained the age of fifty-five;

28 (c) One and fifty-five hundredths percent of the member's final average  
29 salary for each year of membership service, if the member's creditable service is  
30 twenty-seven years or more but less than twenty-eight years and the member has  
31 not attained the age of fifty-five;

32 (d) One and fifty-three hundredths percent of the member's final average  
33 salary for each year of membership service, if the member's creditable service is  
34 twenty-six years or more but less than twenty-seven years and the member has

35 not attained the age of fifty-five;

36 (e) One and fifty-one hundredths percent of the member's final average  
37 salary for each year of membership service, if the member's creditable service is  
38 twenty-five years or more but less than twenty-six years and the member has not  
39 attained the age of fifty-five; and

40 (5) In addition to the retirement allowance provided in subdivisions (1)  
41 to (3) of this subsection, a member retiring on or after July 1, 2001, whose  
42 creditable service is thirty years or more or whose sum of age and creditable  
43 service is eighty years or more, shall receive a temporary retirement allowance  
44 equivalent to eight-tenths of one percent of the member's final average salary  
45 multiplied by the member's years of service until such time as the member  
46 reaches the minimum age for Social Security retirement benefits.

47 2. If the board of trustees determines that the cost of living, as measured  
48 by generally accepted standards, increases five percent or more in the preceding  
49 fiscal year, the board shall increase the retirement allowances which the retired  
50 members or beneficiaries are receiving by five percent of the amount being  
51 received by the retired member or the beneficiary at the time the annual increase  
52 is granted by the board; provided that, the increase provided in this subsection  
53 shall not become effective until the fourth January first following a member's  
54 retirement or January 1, 1982, whichever occurs later, and the total of the  
55 increases granted to a retired member or the beneficiary after December 31, 1981,  
56 may not exceed eighty percent of the retirement allowance established at  
57 retirement or as previously adjusted by other provisions of law. If the cost of  
58 living increases less than five percent, the board of trustees may determine the  
59 percentage of increase to be made in retirement allowances, but at no time can  
60 the increase exceed five percent per year. If the cost of living decreases in a fiscal  
61 year, there will be no increase in allowances for retired members on the following  
62 January first.

63 3. The board of trustees may reduce the amounts which have been granted  
64 as increases to a member pursuant to subsection 2 of this section if the cost of  
65 living, as determined by the board and as measured by generally accepted  
66 standards, is less than the cost of living was at the time of the first increase  
67 granted to the member; provided that, the reductions shall not exceed the amount  
68 of increases which have been made to the member's allowance after December 31,  
69 1981.

70 4. (1) In lieu of the retirement allowance provided in subsection 1 of this

71 section, called option 1, a member whose creditable service is twenty-five years  
72 or more or who has attained age fifty-five with five or more years of creditable  
73 service may elect, in the application for retirement, to receive the actuarial  
74 equivalent of the member's retirement allowance in reduced monthly payments  
75 for life during retirement with the provision that:

76       Option 2. Upon the member's death, the reduced retirement allowance  
77 shall be continued throughout the life of and paid to such person as has an  
78 insurable interest in the life of the member as the member shall have nominated  
79 in the member's election of the option, and provided further that if the person so  
80 nominated dies before the retired member, the retirement allowance will be  
81 increased to the amount the retired member would be receiving had the member  
82 elected option 1; OR

83       Option 3. Upon the death of the member three-fourths of the reduced  
84 retirement allowance shall be continued throughout the life of and paid to such  
85 person as has an insurable interest in the life of the member and as the member  
86 shall have nominated in an election of the option, and provided further that if the  
87 person so nominated dies before the retired member, the retirement allowance  
88 will be increased to the amount the retired member would be receiving had the  
89 member elected option 1; OR

90       Option 4. Upon the death of the member one-half of the reduced  
91 retirement allowance shall be continued throughout the life of, and paid to, such  
92 person as has an insurable interest in the life of the member and as the member  
93 shall have nominated in an election of the option, and provided further that if the  
94 person so nominated dies before the retired member, the retirement allowance  
95 shall be increased to the amount the retired member would be receiving had the  
96 member elected option 1; OR

97       Option 5. Upon the death of the member prior to the member having  
98 received one hundred twenty monthly payments of the member's reduced  
99 allowance, the remainder of the one hundred twenty monthly payments of the  
100 reduced allowance shall be paid to such beneficiary as the member shall have  
101 nominated in the member's election of the option or in a subsequent nomination.  
102 If there is no beneficiary so nominated who survives the member for the  
103 remainder of the one hundred twenty monthly payments, the reserve for the  
104 remainder of such one hundred twenty monthly payments shall be paid to the  
105 surviving spouse, surviving children in equal shares, surviving parents in equal  
106 shares, or estate of the last person, in that order of precedence, to receive a

107 monthly allowance in a lump sum payment. If the total of the one hundred  
108 twenty payments paid to the retired individual and the beneficiary of the retired  
109 individual is less than the total of the member's accumulated contributions, the  
110 difference shall be paid to the beneficiary in a lump sum; OR

111       Option 6. Upon the death of the member prior to the member having  
112 received sixty monthly payments of the member's reduced allowance, the  
113 remainder of the sixty monthly payments of the reduced allowance shall be paid  
114 to such beneficiary as the member shall have nominated in the member's election  
115 of the option or in a subsequent nomination. If there is no beneficiary so  
116 nominated who survives the member for the remainder of the sixty monthly  
117 payments, the reserve for the remainder of such sixty monthly payments shall be  
118 paid to the surviving spouse, surviving children in equal shares, surviving  
119 parents in equal shares, or estate of the last person, in that order of precedence,  
120 to receive a monthly allowance in a lump sum payment. If the total of the sixty  
121 payments paid to the retired individual and the beneficiary of the retired  
122 individual is less than the total of the member's accumulated contributions, the  
123 difference shall be paid to the beneficiary in a lump sum; OR

124       Option 7. A plan of variable monthly benefit payments which provides,  
125 in conjunction with the member's retirement benefits under the federal Social  
126 Security laws, level or near-level retirement benefit payments to the member for  
127 life during retirement, and if authorized, to an appropriate beneficiary designated  
128 by the member. Such a plan shall be actuarially equivalent to the retirement  
129 allowance under option 1 and shall be available for election only if established by  
130 the board of trustees under duly adopted rules.

131       (2) The election of an option may be made only in the application for  
132 retirement and such application must be filed prior to the date on which the  
133 retirement of the member is to be effective. If either the member or the person  
134 nominated dies before the effective date of retirement, the option shall not be  
135 effective, provided that:

136       (a) If the member or a person retired on disability retirement dies after  
137 attaining age fifty-five and acquiring five or more years of creditable service or  
138 after acquiring twenty-five or more years of creditable service and before  
139 retirement, except retirement with disability benefits, and the person named by  
140 the member as the member's beneficiary has an insurable interest in the life of  
141 the deceased member, the designated beneficiary may elect to receive either  
142 survivorship payments under option 2 or a payment of the member's accumulated

143 contributions. If survivorship benefits under option 2 are elected and the member  
144 at the time of death would have been eligible to receive an actuarial equivalent  
145 of the member's retirement allowance, the designated beneficiary may further  
146 elect to defer the option 2 payments until the date the member would have been  
147 eligible to receive the retirement allowance provided in subsection 1 of this  
148 section.

149 (b) If the member or a person retired on disability retirement dies before  
150 attaining age fifty-five but after acquiring five but fewer than twenty-five years  
151 of creditable service, and the person named as the beneficiary has an insurable  
152 interest in the life of the deceased member or disability retiree, the designated  
153 beneficiary may elect to receive either a payment of the person's accumulated  
154 contributions or survivorship benefits under option 2 to begin on the date the  
155 member would first have been eligible to receive an actuarial equivalent of the  
156 person's retirement allowance, or to begin on the date the member would first  
157 have been eligible to receive the retirement allowance provided in subsection 1  
158 of this section.

159 5. If the total of the retirement or disability allowances paid to an  
160 individual before the person's death is less than the person's accumulated  
161 contributions at the time of the person's retirement, the difference shall be paid  
162 to the person's beneficiary or, if there is no beneficiary, to the surviving spouse,  
163 surviving children in equal shares, surviving parents in equal shares, or person's  
164 estate, in that order of precedence; provided, however, that if an optional benefit,  
165 as provided in option 2, 3 or 4 in subsection 4 of this section, had been elected  
166 and the beneficiary dies after receiving the optional benefit, then, if the total  
167 retirement allowances paid to the retired individual and the individual's  
168 beneficiary are less than the total of the contributions, the difference shall be  
169 paid to the surviving spouse, surviving children in equal shares, surviving  
170 parents in equal shares, or estate of the beneficiary, in that order of precedence,  
171 unless the retired individual designates a different recipient with the board at or  
172 after retirement.

173 6. If a member dies and his or her financial institution is unable to accept  
174 the final payment or payments due to the member, the final payment or payments  
175 shall be paid to the beneficiary of the member or, if there is no beneficiary, to the  
176 surviving spouse, surviving children in equal shares, surviving parents in equal  
177 shares, or estate of the member, in that order of precedence, unless otherwise  
178 stated. If the beneficiary of a deceased member dies and his or her financial

179 institution is unable to accept the final payment or payments, the final payment  
180 or payments shall be paid to the surviving spouse, surviving children in equal  
181 shares, surviving parents in equal shares, or estate of the member, in that order  
182 of precedence, unless otherwise stated.

183         7. If a member dies before receiving a retirement allowance, the member's  
184 accumulated contributions at the time of the member's death shall be paid to the  
185 member's beneficiary or, if there is no beneficiary, to the surviving spouse,  
186 surviving children in equal shares, surviving parents in equal shares, or to the  
187 member's estate; provided, however, that no such payment shall be made if the  
188 beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary  
189 dies before having received benefits pursuant to that subsection equal to the  
190 accumulated contributions of the member, in which case the amount of  
191 accumulated contributions in excess of the total benefits paid pursuant to that  
192 subsection shall be paid to the surviving spouse, surviving children in equal  
193 shares, surviving parents in equal shares, or estate of the beneficiary, in that  
194 order of precedence.

195         8. If a member ceases to be an employee as defined in section 169.600 and  
196 certifies to the board of trustees that such cessation is permanent or if the  
197 person's membership is otherwise terminated, the person shall be paid the  
198 person's accumulated contributions with interest.

199         9. Notwithstanding any provisions of sections 169.600 to 169.715 to the  
200 contrary, if a member ceases to be an employee as defined in section 169.600 after  
201 acquiring five or more years of creditable service, the member may, at the option  
202 of the member, leave the member's contributions with the retirement system and  
203 claim a retirement allowance any time after the member reaches the minimum  
204 age for voluntary retirement. When the member's claim is presented to the  
205 board, the member shall be granted an allowance as provided in sections 169.600  
206 to 169.715 on the basis of the member's age and years of service.

207         10. The retirement allowance of a member retired because of disability  
208 shall be nine-tenths of the allowance to which the member's creditable service  
209 would entitle the member if the member's age were sixty.

210         11. Notwithstanding any provisions of sections 169.600 to 169.715 to the  
211 contrary, any member who is a member prior to October 13, 1969, may elect to  
212 have the member's retirement allowance computed in accordance with sections  
213 169.600 to 169.715 as they existed prior to October 13, 1969.

214         12. Any application for retirement shall include a sworn statement by the

215 member certifying that the spouse of the member at the time the application was  
216 completed was aware of the application and the plan of retirement elected in the  
217 application.

218         13. Notwithstanding any other provision of law, any person retired prior  
219 to August 14, 1984, who is receiving a reduced retirement allowance under option  
220 1 or 2 of subsection 4 of this section, as the option existed prior to August 14,  
221 1984, and whose beneficiary nominated to receive continued retirement allowance  
222 payments under the elected option dies or has died, shall upon application to the  
223 board of trustees have the person's retirement allowance increased to the amount  
224 the person would have been receiving had the person not elected the option  
225 actuarially adjusted to recognize any excessive benefits which would have been  
226 paid to the person up to the time of the application.

227         14. Benefits paid pursuant to the provisions of the public education  
228 employee retirement system of Missouri shall not exceed the limitations of  
229 Section 415 of Title 26 of the United States Code, except as provided under this  
230 subsection. Notwithstanding any other law, the board of trustees may establish  
231 a benefit plan under Section 415(m) of Title 26 of the United States Code. Such  
232 plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of  
233 Title 26 of the United States Code. The board of trustees may promulgate  
234 regulations necessary to implement the provisions of this subsection and to create  
235 and administer such benefit plan.

236         15. Any member who has retired prior to July 1, 1999, and the designated  
237 beneficiary of a deceased retired member upon request shall be made, constituted,  
238 appointed and employed by the board as a special consultant on the matters of  
239 education, retirement and aging. As compensation for such duties the person  
240 shall receive a payment equivalent to seven and four-tenths percent of the  
241 previous month's benefit, which shall be added to the member's or beneficiary's  
242 monthly annuity and which shall not be subject to the provisions of subsections  
243 2 and 3 of this section for the purposes of the limit on the total amount of  
244 increases which may be received.

245         16. Any member who has retired prior to July 1, 2000, and the designated  
246 beneficiary of a deceased retired member upon request shall be made, constituted,  
247 appointed and employed by the board as a special consultant on the matters of  
248 education, retirement and aging. As compensation for such duties the person  
249 shall receive a payment equivalent to three and four-tenths percent of the  
250 previous month's benefit, which shall be added to the member's or beneficiary's



251 monthly annuity and which shall not be subject to the provisions of subsections  
252 2 and 3 of this section for the purposes of the limit on the total amount of  
253 increases which may be received.

254 17. Any member who has retired prior to July 1, 2001, and the designated  
255 beneficiary of a deceased retired member upon request shall be made, constituted,  
256 appointed and employed by the board as a special consultant on the matters of  
257 education, retirement and aging. As compensation for such duties the person  
258 shall receive a payment equivalent to seven and one-tenth percent of the previous  
259 month's benefit, which shall be added to the member's or beneficiary's monthly  
260 annuity and which shall not be subject to the provisions of subsections 2 and 3  
261 of this section for the purposes of the limit on the total amount of increases which  
262 may be received.

**170.340. Books of a religious nature may be used in the classroom  
2 as part of instruction in elective courses in literature and history, as  
3 long as such books are not used in a manner so as to violate the  
4 establishment clause of the First Amendment to the United States  
5 Constitution.**

178.550. [The president of the state board of education shall annually  
2 appoint a committee of five members to be known as the "State Advisory  
3 Committee for Vocational Education". The state advisory committee shall consist  
4 of one person of experience in agriculture; one employer; one representative of  
5 labor; one person of experience in home economics; one person of experience in  
6 commerce. The state commissioner of education is ex officio a member and the  
7 chairman of the advisory committee. The state board of education shall formulate  
8 general principles and policies for the administration of sections 178.420 to  
9 178.580, which, when they have been approved by the state advisory committee,  
10 shall be put into effect. Joint conferences between the state board of education  
11 and advisory committee shall be held at least four times each year. All members  
12 of the state advisory committee shall be reimbursed for their actual expenses in  
13 attending the conferences.] **1. This section shall be known and may be  
14 cited as the career and technical education student protection  
15 act. There is hereby established the "Career and Technical Education  
16 Advisory Council" within the department of elementary and secondary  
17 education.**

18 **2. The advisory council shall be composed of eleven members**  
19 **who shall be Missouri residents, appointed by the governor with the**

20 advice and consent of the senate:

21 (1) A director or administrator of a career and technical  
22 education center;

23 (2) An individual from the business community with a  
24 background in commerce;

25 (3) A representative from Linn State Technical College;

26 (4) Three current or retired career and technical education  
27 teachers who also serve or served as an advisor to any of the  
28 nationally-recognized career and technical education student  
29 organizations of:

30 (a) DECA;

31 (b) Future Business Leaders of America (FBLA);

32 (c) FFA;

33 (d) Family, Career and Community Leaders of America (FCCLA);

34 (e) Health Occupations Students of America (HOSA);

35 (f) SkillsUSA; or

36 (g) Technology Student Association (TSA);

37 (5) A representative from a business organization, association of  
38 businesses, or a business coalition;

39 (6) A representative from a Missouri community college;

40 (7) A representative from Southeast Missouri State University or  
41 the University of Central Missouri;

42 (8) An individual participating in an apprenticeship recognized  
43 by the department of labor and industrial relations or approved by the  
44 United States Department of Labor's Office of Apprenticeship;

45 (9) A school administrator or school superintendent of a school  
46 that offers career and technical education.

47 3. Members shall serve a term of five years except for the initial  
48 appointments, which shall be for the following lengths:

49 (1) One member shall be appointed for a term of one year;

50 (2) Two members shall be appointed for a term of two years;

51 (3) Two members shall be appointed for a term of three years;

52 (4) Three members shall be appointed for a term of four years;

53 (5) Three members shall be appointed for a term of five years.

54 4. The advisory council shall have three nonvoting ex-officio  
55 members:

56 (1) A director of guidance and counseling services at the

57 department of elementary and secondary education, or a similar  
58 position if such position ceases to exist;

59 (2) The director of the division of workforce development; and

60 (3) A member of the coordinating board for higher education, as  
61 selected by the coordinating board.

62 5. The assistant commissioner for the office of college and career  
63 readiness of the department of elementary and secondary education  
64 shall provide staff assistance to the advisory council.

65 6. The advisory council shall meet at least four times  
66 annually. The advisory council may make all rules it deems necessary  
67 to enable it to conduct its meetings, elect its officers, and set the terms  
68 and duties of its officers. The advisory council shall elect from among  
69 its members a chairperson, vice chairperson, a secretary-reporter, and  
70 such other officers as it deems necessary. Members of the advisory  
71 council shall serve without compensation but may be reimbursed for  
72 actual expenses necessary to the performance of their official duties for  
73 the advisory council.

74 7. Any business to come before the advisory council shall be  
75 available on the advisory council's internet website at least seven  
76 business days prior to the start of each meeting. All records of any  
77 decisions, votes, exhibits, or outcomes shall be available on the  
78 advisory council's internet website within forty-eight hours following  
79 the conclusion of every meeting. Any materials prepared for the  
80 members shall be delivered to the members at least five days before the  
81 meeting, and to the extent such materials are public records as defined  
82 in section 610.010 and are not permitted to be closed under section  
83 610.021, shall be made available on the advisory council's internet  
84 website at least five business days in advance of the meeting.

85 8. The advisory council shall make an annual written report to  
86 the state board of education and the commissioner of education  
87 regarding the development, implementation, and administration of the  
88 state budget for career and technical education.

89 9. The advisory council shall annually submit written  
90 recommendations to the state board of education and the commissioner  
91 of education regarding the oversight and procedures for the handling  
92 of funds for student career and technical education organizations.

93 10. The advisory council shall:

94           **(1) Develop a comprehensive statewide short- and long-range**  
95 **strategic plan for career and technical education;**

96           **(2) Identify service gaps and provide advice on methods to close**  
97 **such gaps as they relate to youth and adult employees, workforce**  
98 **development, and employers on training needs;**

99           **(3) Confer with public and private entities for the purpose of**  
100 **promoting and improving career and technical education;**

101           **(4) Identify legislative recommendations to improve career and**  
102 **technical education;**

103           **(5) Promote coordination of existing career and technical**  
104 **education programs;**

105           **(6) Adopt, alter, or repeal by its own bylaws, rules, and**  
106 **regulations governing the manner in which its business may be**  
107 **transacted.**

108           **11. For purposes of this section, the department of elementary**  
109 **and secondary education shall provide such documentation and**  
110 **information as to allow the advisory council to be effective.**

111           **12. For purposes of this section, "advisory council" shall mean the**  
112 **career and technical education advisory council.**

✓

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